



**1998**

# ***Illinois Register***

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## **Rules of Governmental Agencies**

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### INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

## ILLINOIS DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED RULE

- 1) Heading of the Part: Welfare-to-Work Block Grant Program
- 2) Code Citation: 56 Ill. Adm. Code 2665
- 3) Section Number: 2665.10  
Action: New Section
- 4) Statutory Authority: 20 ILCS 605/46.19
- 5) Complete Description of the Subjects and Issues Involved: This rule specifies the substate allocation formula for WtW Block Grant Funds required by the Balanced Budget Act of 1997.
- 6) Will this proposed rule replace an emergency rule currently in effect?  
Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other Proposed Amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate as defined in Section 3(b) of the State Mandate Act [30 ILCS 805].
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after this edition of the *Illinois Register* to the following:

Bud Johnston  
Department of Commerce and Community Affairs  
Job Training Division  
620 East Adams Street, S-4  
Springfield, Illinois 62701  
Telephone: (217) 785-6210  
Fax: (217) 785-6454  
TDD: (217) 785-6055

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses and small municipalities affected: There will be no adverse effect on small businesses or small municipalities.
- B) Reporting, bookkeeping or other procedures required for compliance: These amendments do not affect the existing reporting, bookkeeping and other procedures necessary for compliance.

## ILLINOIS DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED RULE

- C) Types of professional skills necessary for compliance: Applicants would already possess the necessary skills for compliance.

The full text of the proposed rule is identical to the text of the emergency rule which appears in this issue of the *Register* on Page **2612**.



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Elementary and Secondary School Capital Assistance Program

2) Code Citation: 23 Ill. Adm. Code 150

3) Section Numbers:

|        |                         |
|--------|-------------------------|
| 150.10 | <u>Proposed Action:</u> |
|        | Repeal                  |
| 150.20 | Repeal                  |
| 150.30 | Repeal                  |
| 150.40 | Repeal                  |
| 150.50 | Repeal                  |
| 150.60 | Repeal                  |

4) Statutory Authority: 20 ILCS 3105/1A-1.4.

5) A Complete Description of the Subjects and Issues Involved: Part 150, adopted in 1983 in response to the Capital Development Board Act, now contains outdated requirements. P.A. 90-548, effective January 1, 1998, included enactment of a new School Construction Law. That law calls for rulemaking on the part of the State Board of Education. The Board has adopted emergency rules to implement it, as well as proposing identical regular rulemaking. Part 150 is being repealed and a new Part 151 is being proposed, in order to avoid potential confusion in the field.

6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
217/782-3950

12) Initial Regulatory Flexibility Analysis: These rules will not affect small

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED REPEALER

businesses.

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Repealer begins on the next page:

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED REPEALER

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER I: STATE BOARD OF EDUCATION

## SUBCHAPTER C: FINANCE

## PART 150

## ELEMENTARY AND SECONDARY SCHOOL

## CAPITAL ASSISTANCE PROGRAM (REPEALED)

## Section

150.10 Introduction

150.20 State Board of Education Procedures

150.30 Program and Eligibility Standards for Construction Grant Entitlements

150.40 Priority Criteria for Construction Grants

150.50 Eligibility Standards and Criteria--Debt Service

150.60 Program Evaluation

**AUTHORITY:** Implementing Section 1A-1 and authorized by Section 1A-1.4 of the Capital Development Board Act [20 ILCS 3105].

**SOURCE:** Adopted January 21, 1977; codified at 7 Ill. Reg. 17316; repealed at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 150.10 Introduction

a) The Elementary and Secondary Schools Capital Assistance Program was enacted by the General Assembly to provide

1) capital facilities consisting of buildings, structures, durable equipment and land as will permit this state's elementary, vocational and secondary schools to provide the people of Illinois with essential educational services and

2) the issuance and sale of bonds as a method of financing such acquisitions, construction, development, reconstruction, rehabilitation, improvement, architectural planning, and installation.

b) The State Board of Education is authorized to establish eligibility standards and criteria and to issue grant entitlements for Planning Assistance, School Construction Projects, and Debt Service and shall determine the priority order for Planning Assistance and School Construction Project grants to be made by the Capital Development Board.

c) Entitlements approved by the State Superintendent of Education and the Capital Development Board in any year, but for which financial support is not given due to lack of adequate appropriations, awarding of contracts, or for any other reason, shall be placed ahead of any new entitlements, except for special consideration that are approved for the following year.

d) The Capital Development Board is authorized to make grants to school

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## NOTICE OF PROPOSED REPEALER

districts for Planning Assistance, School Construction Projects, and Debt Service in accordance with the entitlement priority order provided by the State Superintendent of Education.

## Section 150.20 State Board of Education Procedures

a) Procedures for Participation

1) School districts desiring to participate shall first assess their own needs and possible eligibility according to standards and criteria adopted by the State Board of Education.

2) School districts desiring to participate shall submit to the State Superintendent of Education, Regional Superintendent, and the Capital Development Board, a District Facility Plan.

3) Participants shall prepare and submit to the State Superintendent of Education, Regional Superintendent, and the Capital Development Board, one or more applications for planning assistance, construction, or debt service grants on application forms provided.

4) In the event school districts desiring to participate are involved in proceedings to reorganize, annex, or detach under Article 7 or Article 11 of The School Code anytime prior to final entitlement award, the State Superintendent of Education may require such additional information as deemed suitable to determine whether or not the resultant school districts shall be eligible for an entitlement.

b) Procedures for Submission of District Facility Plans

1) School districts desiring to participate shall submit a District Facility Plan. This plan shall include both tabular and narrative information in a manner prescribed by the State Superintendent of Education.

2) The District Facility Plan shall be updated annually to maintain eligibility by submitting appropriate revisions of both tabular and narrative information.

c) Entitlements for Planning Assistance Grants

1) Requests for planning assistance may be submitted to the State Superintendent of Education at the time of submission of the District Facility Plan, or at any time thereafter.

2) Upon award of a planning assistance entitlement, the State Board of Education shall offer local school districts professional assistance prior to the time such districts apply for construction grants. Assistance may be for such activities as

A) analyzing facility needs,

B) selecting sites, and

C) developing preliminary designs and renderings of specific projects for which the district intends to request financial assistance.

3) The amount available for planning assistance shall be a percentage of the appropriations for school construction projects



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED REPEALER

not to exceed two percent of such appropriation.

- 4) Entitlements shall be given for specific projects. Substantial changes of projects shall require a new project application and new entitlement. Priorities will be assigned based upon the new project.

d) Entitlements for Construction Grants

- 1) Applications received from school districts with under 500,000 inhabitants by the closing date hereinafter specified will be reviewed by the State Superintendent of Education and eligibility will be determined. Eligible applications will be ranked in priority order according to criteria adopted by the State Board of Education.

Closing dates are:

- A) For Fiscal Year 1977, District Facility Plans are due December 17, 1976.  
B) For Fiscal Year 1977, applications for construction grants received on or prior to December 17, 1976, will be reviewed in accordance with:

- i) the guidelines and standards approved for the programs, and  
ii) priorities set in accordance with those guidelines.

- C) Applications for emergency construction assistance may be submitted immediately following an emergency.

- D) For Fiscal Year 1977 and thereafter, any application for a construction grant received and approved in a previous fiscal year, but for which no grant was awarded because of the lack of sufficient resources, shall be given first priority except for special consideration in the grouping of the next fiscal year.

- 2) The State Superintendent of Education shall review such applications for compliance with the District Facility Plan and shall thereupon make recommendations for grant entitlements to the Capital Development Board.

- 3) Recognized Project Cost will be determined by the Capital Development Board for all projects with grant eligibility and priority status. The state's share of Recognized Project Cost will be calculated as prescribed by statute and by the Capital Development Board staff from information supplied by the State Superintendent of Education. Entitlements in priority order shall be transmitted by the State Superintendent of Education to the Capital Development Board.

- 4) Entitlements shall be given for specific projects. Substantial changes of projects shall require a new project application and new entitlement. Priorities will be assigned based upon the new project.

e) Entitlements for Debt Service Grants

- 1) Debt Service eligibility will be determined from information provided in the District Facility Plan and application.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED REPEALER

- 2) Applications received through December 17, 1976, by the State Superintendent of Education will be reviewed and eligibility determined, after which entitlements shall be transmitted by the State Superintendent of Education to the Capital Development Board.

- 3) Applications for debt service must be made by school districts for each year of the Capital Assistance Program.

**Section 150.30 Program and Eligibility Standards for Construction Grant Entitlements**

a) Districts Over 500,000 Inhabitants

- 1) District Facility Plan  
The District Facility Plan shall include, but not be limited to the following:

- A) The district's educational program (which may be the Educational Plan required in 23 Ill. Adm. Code 1, which may be incorporated by reference).

- B) The current year "Public School Fall Enrollment and Housing Report," State Board of Education, which may be incorporated by reference.

- C) A narrative and tabular description of:

- i) The district's capital improvement program for the next five years which shall include data on the remodeling, rehabilitation, and new construction programs by district and sub-district, and costs thereof. The narrative should relate the district's capital improvement program to the district's educational goals and objectives.

- ii) The criteria used by the district in determining priorities in implementation of its five year capital improvement program.

- iii) The planning process used in development of the District Facility Plan.

- D) For each sub-district there should be a narrative and tabular presentation of:

- i) Five year historical enrollment and five year future enrollment projections.

- ii) Five year capital improvement program.

- iii) A list of the educational facilities in each sub-district indicating their current condition and the Board of Education's intent toward these facilities regarding renovation, abandonment, or replacement.

- iv) A list of additional educational facilities, if any, to be built within the sub-district for the next five year period.



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED REPEALER

- v) A description of the capacity of existing buildings and classrooms available for instructional purposes.
- E) The District Facility Plan shall be made available for public view for at least 10 days at the main district office prior to the district's formal approval of the plan.
- F) The District Facility Plan should be submitted by the district to the local planning commission simultaneously with submission to the regional superintendent, the State Superintendent of Education, and the Capital Development Board.

## 2) Construction Grant Applications

- A) Applications from school districts of over 500,000 inhabitants shall be limited to those projects planned for new construction or large additions (over 450 pupils).
- B) Prior to submission of a construction grant application, the district shall submit a District Facility Plan to the State Superintendent of Education for review.
- C) Each construction grant application should include, but not be limited to the following:
- A narrative which explains and describes how the proposed facility would implement the District Facility Plan, and how the proposed facility meets the district's priorities.
  - The construction grant application should be available for public review and the district's Board of Education shall affirm that prior to its formal approval of the application it held public hearings to consider recommendations on the application.
  - The construction grant application should be submitted by the district to the local planning commission simultaneously with submission to the regional superintendent, the State Superintendent of Education, and the Capital Development Board.

## b) Districts Under 500,000 Inhabitants

- 1) District Facility Plan
- A) Each local school district of under 500,000 inhabitants which intends to participate in the Capital Assistance Program shall prepare and submit a District Facility Plan.
- B) The District Facility Plan shall include, but not be limited to the following:
- The district's educational program (which may be the Education Plan required in 23 Ill. Adm. Code 1, which may be incorporated by reference).
  - The current year "Public School Fall Enrollment and Housing Report," State Board of Education Form, which may be incorporated by reference.
  - A narrative and tabular description of the district's capital improvement program for the next five years.

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This description should provide data on the current and planned remodeling, rehabilitation, and new construction programs in the district, and should relate this program to the district's educational goals and objectives.

- A list and description of the educational facilities, indicating their current condition.
- District-wide narrative and tabular information including five year historical enrollment and five year future enrollment projections.
- The district should provide information which describes the district's financial status. Information to be included, but not limited to: bonds outstanding, percent of bonding power remaining, assessed valuation per pupil and life/safety tax rate.

## 2) Construction Grant Application

The construction grant application for each project shall include, but not be limited to, the following:

- The numbers of students to be housed in the facility.
- The location of the proposed facility.
- A narrative describing the relationship of the proposed project to the District Facility Plan.
- A list of all current and proposed capital projects on a district level by established priority.
- Evidence that the construction grant application has been submitted to the local planning commission, if one exists, for review and comment, and evidence of public involvement in local approval of the project and an affirmation that a copy of the application has been on file for public view.
- Those districts making application for a construction grant based upon a facility's failure to meet health and life/safety standards should submit the latest available life/safety compliance and update report with the grant application. Factors to be discussed in the application are:
  - ability of each facility to house pupils according to the health and life safety code, and
  - ability of each facility to provide appropriate space to support the specific educational programs to be housed.
- The district will describe the capacity of existing buildings and classrooms available for instruction purposes. Space considered unsuitable for educational programs may be judged inadequate and therefore have no capacity. For example, space in need of remodeling and rehabilitation, or space designed for pupils at a given level which are not functionally equivalent spaces for pupils at a different grade level, may be judged inadequate.



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**Section 150.40 Priority Criteria for Construction Grants**

- a) To be eligible for a construction grant, all school districts of any size must have an approved District Facility Plan on file with the State Board of Education.
- b) To be eligible for a construction grant, a school district must have a definable project as set forth in the District Facility Plan and as detailed in the construction grant application.
- c) To be eligible for a construction grant, a school district must meet the following priorities for financial assistance. Grants will be awarded in the following order:

- 1) First Priority--Emergency
  - A) Replacement or rehabilitation of school facilities which have been substantially damaged by fire, flood, tornadoes, explosions, mine subsidence, or other natural or emergency conditions.
  - B) Entitlements under this priority may be given at any time upon declaration of any emergency by the State Superintendent of Education and shall have priority over all other construction projects.
  - C) Projects that contribute to the elimination and prevention of segregation in schools because of color, race, sex, creed, or nationality should have precedence within this priority.
- 2) Second Priority--Health/Life Safety
  - A) Replacement or rehabilitation of school facilities which the State Superintendent of Education determines to be a severe and continuing health/life safety hazard.
  - B) Projects that contribute to the elimination and prevention of segregation in schools because of color, race, sex, creed, or nationality should have precedence within this priority.
- 3) Third Priority--Unhoused Student Index
  - A) Replacement or rehabilitation of school facilities to accommodate current unhoused students for the 1976-77 school year. Unhoused students shall be defined as: students housed in facilities in excess of capacities of the facilities, including double shift, extended day or like arrangements; students who are housed in facilities not functionally designed for the grade level of students housed therein; and students who are housed in facilities which do not provide adequate space to support specific educational programs as outlined in the District Facility Plan.
  - B) Projects which contribute to the elimination and prevention of segregation in schools because of color, race, sex, creed, or nationality should have precedence within this priority.
- 4) The State Superintendent of Education may consider one or more of

## STATE BOARD OF EDUCATION

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the following special factors in making a final determination of the priority ranking:

- A) whether there are proposals of unique solutions to facility needs through multiple use of facilities.
- B) whether the district has a critical shortage of facilities due to having one or more of its buildings condemned.
- C) whether the district has unique facilities needs regarding vocational and/or special education.
- D) whether the district has more than 50 percent of the current student population unhoused.
- E) whether the proposed project aids in the consolidation of school districts.
- d) To be eligible for a construction grant, a school district must affirmatively show that its decision concerning selection of sites for new schools and additions to existing facilities shall give maximum effect to all federal and state statutory and administrative requirements of eliminating and preventing segregation in schools because of color, race, sex, creed, or nationality by providing specific responses and assurances to the following:
  - 1) Indication that consideration was given to the effect a particular site would have on the racial composition of the student body.
  - 2) A description of the racial composition of the neighborhood and the rationale as to why a site might be located in a racially identifiable neighborhood.
  - 3) Assurance that the school will open with and maintain a desegregated staff which reflects the racial composition of the district.
  - 4) A description of student services offered and assurance that the particular needs of students are provided for.
  - 5) A description of program offerings and assurance that the unique needs of the student body will be met.
  - 6) Assurance that community and staff were informed of pending issues and involved in the planning.
  - 7) Provisions for continuing review and evaluation by the school authority of the program and assignment policies to insure that the integration process provides an effective learning environment for all children based upon mutual, cultural and personal respect among all racial groups.
  - 8) An explanation of the effect of the new or expanded attendance center on the district-wide desegregation effort.
- e) To be eligible for a construction grant entitlement, a school district must affirmatively show by a statement in the application that it is in compliance with Title IX.
- f) To be eligible for a construction grant entitlement, a school district must meet the following minimum enrollment requirements:

- 1) Elementary District

380 Students



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- 2) High School District 450 Students  
3) Unit District 830 Students
- g) Space Standards for Construction
- 1) New schools with adequate space for all necessary instructional and ancillary activities require more space per student than additions to existing schools. Different space standards are required to accommodate different grade levels, i.e. K-6, 7-9, 10-12. Economy of scale in terms of space per student can be anticipated for larger schools. New construction should involve no less than the gross space allowance for 180 elementary students, 200 junior high students, or 450 senior high students. The following maximum standards are established for the determination of the state share of Recognized Project Cost in connection with a construction grant:
- |  |         |
|--|---------|
| A) New Elementary School                             | K-6     |
| i) Gross space per student                           | 76 GSF  |
| ii) Space per additional student beyond 240 students | 62 GSF  |
| B) New Junior High School                            | 7-9     |
| i) Gross space per student                           | 120 GSF |
| ii) Space per additional student beyond 400 students | 100 GSF |
| C) New High School                                   | 9-12    |
| i) Gross space per student                           | 140 GSF |
| ii) Space per additional student beyond 600 students | 110 GSF |
- 2) New additions to existing buildings should be planned for not less than the gross space allowance for 150 students. Multiple sites may be considered, but for no less than 50 students at any one site. Space standards for additions should not exceed those for new buildings as detailed in the above.
  - 3) Remodeling/rehabilitation of existing structures. Total Recognized Project Cost as determined by the Capital Development Board for remodeling/rehabilitation projects must be developed on an individual basis with space per student not to exceed standards set for construction of building additions and with unit costs not to exceed standards for new construction as established by the Capital Development Board.
- h) Premises for Space Standards
- 1) All necessary types of space shall be included for freestanding schools.
  - 2) An average space-per-student can be derived from space type need by level, i.e. elementary, junior high, and high school.
  - 3) Space needs for additions to existing schools may be less than space needs for freestanding schools.

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- 4) Space considered unsuitable for educational programs may be judged inadequate and therefore reported as having no capacity. For example, space in need of remodeling and rehabilitation or spaces designed for pupils at a given grade level which are not functionally equivalent spaces for pupils at a different grade level may be judged inadequate and not entered into capacity calculations.

**Section 150.50 Eligibility Standards and Criteria--Debt Service**

The following eligibility standards and criteria shall govern a school district's eligibility for a debt service grant entitlement under the Capital Assistance Program.

- a) To be eligible for a debt service grant entitlement, an applicant school district must have an approved District Facility Plan on file with the State Board of Education. Such plans shall be updated, submitted to, and approved annually by the State Superintendent of Education.
- b) To be eligible for a debt service grant entitlement, a school district must have issued and sold bonds for capital improvement after January 1, 1969. Details of the outstanding bonds shall be provided in the application.
- c) Debt service grant entitlements shall be limited to the amount provided by law.
- d) To receive a debt service grant entitlement, an eligible school district must file a formal application with the State Superintendent of Education. The Capital Development Board shall award all grants. Eligible school districts may apply for a grant each year in which an appropriation is made by the General Assembly for the Capital Assistance Program.
- e) Nothing in this Section is to be construed as permitting the approval of the same project for both a school construction project grant and a debt service grant.
- f) For districts making application for a debt service grant, the following information must be provided:
  - 1) A bond repayment schedule for bonds sold after January 1, 1969, or as provided by statute. For purposes of this program, districts shall not deviate from their original bond repayment schedule.
  - 2) A certification from the county clerk for principal and interest payments due on the bonds the current fiscal year.

**Section 150.60 Program Evaluation**

- a) The State Superintendent of Education shall report to the State Board of Education at least semi-annually on the status and progress of the Capital Assistance Program.
- b) The State Board of Education will conduct an annual evaluation of the

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## Capital Assistance Program.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

1) Heading of the Part: School Construction Program2) Code Citation: 23 Ill. Adm. Code 1513) Section Numbers: Proposed Action:

|        |             |
|--------|-------------|
| 151.10 | New Section |
| 151.20 | New Section |
| 151.30 | New Section |
| 151.40 | New Section |
| 151.50 | New Section |
| 151.60 | New Section |
| 151.70 | New Section |

4) Statutory Authority: The School Construction Law (see P.A. 90-548, effective January 1, 1998).

5) A Complete Description of the Subjects and Issues Involved: Enactment of P.A. 90-548 on December 4 has made funding available for school construction grant projects and debt service grants to school districts. Under this program, the State Board of Education must adopt standards under which to issue grant entitlements to school districts; determine the order of priority for school construction project grants to be made by the Capital Development Board; and make grants to school districts for debt service on approved school construction bonds. These proposed rules set forth the basis on which entitlements and priorities will be established and describe the application process involved.

6) Will this proposed rule replace an emergency rule currently in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Does this proposed amendment contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.9) Are there any other proposed amendments pending on this Part? No10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a State mandate.11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

Springfield, Illinois 62777  
(217) 782-3950

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agency on which this rule was summarized: January 1998 (see item (f) regarding 23 Ill. Adm. Code 150).

The full text of the proposed rule(s) is identical to the text of the emergency rule published on page **2516** of this Illinois Register.

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED RULES

1) Heading of the Part: Payment of Annual Compliance Fees for Pension Funds

2) Code Citation: 50 Ill. Adm. Code 4415

3) Section Numbers: Proposed Action:

|                |             |
|----------------|-------------|
| 4415.10        | New Section |
| 4415.20        | New Section |
| 4415.30        | New Section |
| 4415.40        | New Section |
| 4415.50        | New Section |
| 4415.60        | New Section |
| 4415.70        | New Section |
| 4415.80        | New Section |
| 4415.90        | New Section |
| Illustration A | New Section |
| Illustration B | New Section |

4) Statutory Authority: Implementing Sections 1A-107 and 1A-112 of the Illinois Pension Code [40 ILCS 5/1A-107 and 1A-112] (see P.A. 90-507, effective August 22, 1997), and authorized by Section 1A-103 of the Illinois Pension Code [40 ILCS 5/1A-103] (see P.A. 90-507, effective August 22, 1997).

5) A Complete Description of the Subjects and Issues Involved: The Department is adopting these new administrative regulations to address the new legislation which requires Illinois' pension funds to pay an annual compliance fee.

The purpose of this Part is to establish a payment mechanism for the annual compliance fee that pension funds are required to pay on June 30 of every year. The proposed administrative regulations require the pension funds to provide certain information to the Department so that an Automated Clearing House Debit transaction between financial institutions can take place for the payment of the annual compliance fee.

6) Will this proposed Rule replace an emergency rule currently in effect?  
No

7) Does this Rule contain an automatic repeal date? No

8) Does this proposed Rule contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This new rule will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

DEPARTMENT OF INSURANCE  
NOTICE OF PROPOSED RULES

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Chuck Feinen (or) Denise Hamilton  
Staff Attorney Rules Unit Supervisor  
Department of Insurance Department of Insurance  
320 West Washington 320 West Washington  
Springfield IL 62767 Springfield IL 62767  
217/785-4515 215/785-8560

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The proposed administrative regulations establish a payment mechanism for pension funds to pay an annual compliance fee required by statute. Therefore any small municipality, or otherwise, that is maintaining a pension fund would be required to comply with the payment mechanism established by the administrative regulations.

B) Reporting, bookkeeping or other procedures required for compliance:  
Please see Sections 4415.60 and 4415.70.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Department did not anticipate the passage of P.A. 90-507, effective August 22, 1997, and the need to establish a regulation within this regulatory agenda period.

The full text of the Proposed Rules begins on the next page:

DEPARTMENT OF INSURANCE  
NOTICE OF PROPOSED RULES

TITLE 50: INSURANCE  
CHAPTER I: DEPARTMENT OF INSURANCE  
SUBCHAPTER aaa: PENSIONS

PART 4415  
PAYMENT OF ANNUAL COMPLIANCE FEES  
FOR PENSION FUNDS

| Section | Purpose                                      |
|---------|--|
| 4415.10 | Applicability                                |
| 4415.20 | Definitions                                  |
| 4415.30 | Annual Compliance Fee Amount                 |
| 4415.40 | Notification of Annual Compliance Fee Amount |
| 4415.50 | Annual Compliance Fee Payment Date           |
| 4415.60 | Payment Method                               |
| 4415.70 | Hearing on Annual Compliance Fee Amount      |
| 4415.80 | Penalties                                    |
| 4415.90 |  |

ILLUSTRATION A Designation for Fund Transfer for State Pension Fund for Payment of Annual Compliance Fee  
ILLUSTRATION B Designation for Automated Clearing House Payment of Annual Compliance Fee

AUTHORITY: Implementing Sections 1A-107 and 1A-112, and authorized by Section 1A-103 of the Illinois Pension Code [40 ILCS 5/1A-103, 1A-107 and 1A-112] (see P.A. 90-507, effective August 22, 1997).

SOURCE: Adopted at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 4415.10 Purpose

This Part sets forth the procedural requirements for the submission of the annual compliance fee by pension funds to the Department as required by Section 1A-112 of the Illinois Pension Code [40 ILCS 5/1A-112] (see P.A. 90-507, effective August 22, 1997). Additionally, this Part will further the directive of the Legislature given to the Public Pension Division of the Department of Insurance to automate its operations as set forth in Section 1A-107 of the Illinois Pension Code [40 ILCS 5/1A-107] (see P.A. 90-507, effective August 22, 1997).

Section 4415.20 Applicability

This Part applies to every pension fund that is required to file an annual statement with the Department pursuant to Section 1A-109 of the Code [40 ILCS 5/1A-109] (see P.A. 90-507, effective August 22, 1997).



## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED RULES

**Section 4415.30 Definitions**

Automated Clearing House, or ACH, means a central distribution and settlement point for the electronic clearing of debts between the financial institutions rather than the physical movement of paper items. The term includes any Federal reserve bank, or an organization established by agreement with the National Automated Clearing House Association which operates as a clearing house for transmitting or receiving entries between banks and/or bank accounts and which authorizes an electronic transfer of funds between such banks or bank's accounts.

ACH Debit means the electronic transfer of funds from the pension fund's account for deposit in the Public Pension Regulation Fund [30 ILCS 105/8(f)] (see P.A. 90-507, effective August 22, 1997).

Annual compliance fee means the fee required to be paid by pension funds pursuant to Section 1A-112 of the Illinois Pension Code [40 ILCS 5/1A-112] (see P.A. 90-507, effective August 22, 1997).

Basis point means 1/100th of one percent [40 ILCS 5/1A-102] (see P.A. 90-507, effective August 22, 1997).

Code means the Illinois Pension Code [40 ILCS 5].

Department means the Department of Insurance of the State of Illinois [40 ILCS 5/1A-102] (see P.A. 90-507, effective August 22, 1997).

Division means the Public Pension Division of the Department of Insurance [40 ILCS 5/1A-102] (see P.A. 90-507, effective August 22, 1997). Payment information means the data which the Department requires from a pension fund for the purpose of making an ACH Debit transaction.

Pension Fund means any public pension fund, annuity and benefit fund, or retirement system established under the Illinois Pension Code [40 ILCS 5/1A-102] (see P.A. 90-507, effective August 22, 1997).

State Pension Fund means any of the following pension funds: General Assembly Retirement System [40 ILCS 5/Art. 2], State Employees' Retirement System [40 ILCS 5/Art. 14], State Universities Retirement System [40 ILCS 5/Art. 15], Teachers' Retirement System of the State of Illinois [40 ILCS 5/Art. 16], and Judges Retirement System of Illinois [40 ILCS 5/Art. 18].

**Section 4415.40 Annual Compliance Fee Amount**

Every pension fund that is required to file an annual statement under Section

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED RULES

1A-109 of the Code shall pay an annual compliance fee pursuant to the following schedule:

- a) In the case of a pension fund under Article 3 or 4 of the Code, the annual compliance fee is 0.007% (0.7 basis points) of the total assets of the pension fund, as reported in the most current annual statement of the fund, but no more than \$6,000; or
- b) In the case of all other pension funds and retirement systems, the annual compliance fee shall be \$6,000 [40 ILCS 5/1A-112(a)] (see P.A. 90-507, effective August 22, 1997).

**Section 4415.50 Notification of Annual Compliance Fee Amount**

The Division shall notify by mail each pension fund of the amount of its annual compliance fee, calculated pursuant to Section 4415.40 of this Part, at least 45 days prior to the payment due date as set forth in Section 4415.60 of this Part. Failure of the Division to provide notification to any pension fund pursuant to this Section does not relieve any pension fund from the obligations of Section 1A-112 of the Code.

**Section 4415.60 Annual Compliance Fee Payment Date**

The annual compliance fee shall be due on June 30 for the following State fiscal year..., except that the fee payable for fiscal year 1998 shall be due as determined by the Division, but no later than June 30, 1998 [40 ILCS 5/1A-112(b)] (see P.A. 90-507, effective August 22, 1997).

**Section 4415.70 Payment Method**

a) Pension funds shall file with the Division at least 30 days prior to the payment due date, as set forth in Section 4415.60 of this Part, the appropriate information of:

- 1) If a State pension fund, payment information as shown in Illustration A of this Part, which must contain at least the following information:
  - A) Fund account number from which the annual compliance fee may be withdrawn; and
  - B) State pension fund name; or
- 2) If not a State pension fund, payment information as shown in Illustration B of this Part, which contain at least the following information:
  - A) Banking account number from which the annual compliance fee payment may be withdrawn;
  - B) Routing number for the financial institution in which the bank account is held;
  - C) The pension fund name; and
  - D) Financial institution's name where the pension fund's account is located.

b) Either filing made pursuant to subsection (a) of this Section shall be

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED RULES

addressed to the Department of Insurance, Pension Division, 320 West Washington, Springfield, Illinois 62767-0001.

- c) Pension funds are not required to file the payment information pursuant to subsection (a)(1) of this Section if the payment information has been previously submitted and such payment information has not changed since the previous submittal.
- d) Based on the payment information provided by the pension funds in subsection (a)(1) of this Section, the Division will initiate an ACH Debit transfer on the payment due date, or the first business day thereafter, in an amount equal to the annual compliance fee as calculated pursuant to Section 4415.40 of this Part and as stated in the notification sent pursuant to Section 4415.50 of this Part.

**Section 4415.80 Hearing on Annual Compliance Fee Amount**

A pension fund that wants to challenge the annual compliance fee as calculated by the Division pursuant to Section 4415.40 of this Part, and as stated in the notification pursuant to Section 4415.50 of this Part, may submit a written request for hearing pursuant to 50 Ill. Adm. Code 2402 within 15 days after receipt of the notification. Such written request shall include the pension fund's reasons for disagreement with the Division's calculation of the annual compliance fee and must include a copy of the Division notification sent pursuant to Section 4415.50 of this Part. The pension fund will not be assessed late fees pursuant to 50 Ill. Adm. Code Part 4435 and Section 1A-113 of the Code by the Division unless the pension fund loses its appeals.

**Section 4415.90 Penalties**

Every pension fund required to pay an annual compliance fee pursuant to Section 4415.60 may also be subject to a late penalty fee and a noncompliance penalty as set forth in 50 Ill. Adm. Code Part 4435 if the pension fund fails to comply with Section 4415.70 of this Part.

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED RULES

**Section 4415. ILLUSTRATION A Designation for Fund Transfer for State Pension Fund for Payment of Annual Compliance Fee**

Illinois Department of Insurance  
Pension Division

Designation for Automated Clearing House  
Payment of Annual Compliance Fees

State Pension Fund Name: \_\_\_\_\_

City: \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Fund Account Number to be Debited: \_\_\_\_\_

Fund Account Number to be Credited: \_\_\_\_\_

Amount of Transfer: \_\_\_\_\_

Requested Date of Transfer: \_\_\_\_\_

Statutory Authority: \_\_\_\_\_

Authorized State Pension Fund Representative: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_



## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED RULES

**Section 4415. ILLUSTRATION B Designation for Automated Clearing House Payment of Annual Compliance Fees**

Illinois Department of Insurance  
Pension Division

Designation for Automated Clearing House  
Payment of Annual Compliance Fees

Depository Name: \_\_\_\_\_

Account Name: \_\_\_\_\_

City: \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Routing Transit Number of Depository Above: \_\_\_\_\_

Account Number to Be Debited: \_\_\_\_\_

Authorized Pension Representative: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: The Illinois Oil and Gas Act2) Code Citation: 62 Ill. Adm. Code 2403) Section Number:

240.1600 Amend

240.1610 Amend

240.1620 Amend

240.1625 New

240.1630 Amend

240.1635 Amend

240.1640 Amend

4) Statutory Authority: Implementing and authorized by Section 6 of the Illinois Oil and Gas Act [225 ILCS 725/6].5) A complete description of the subjects and issues involved: This rulemaking provides definitional clarifications, eligibility requirements, application criteria, submission, review and acceptance processes, and fund allocation parameters for operating the Landowner Grant Program, as well as procedures for disposing of well site equipment under the Plugging and Restoration Program.6) Will this proposed rule replace an emergency rule currently in effect? Yes  
22 Ill. Reg. 988, effective December 22, 19977) Does this rulemaking contain an automatic repeal date? No8) Do these proposed amendments contain incorporations by reference? No9) Are there any other amendments pending on this Part? Yes

| Section Number | Proposed Action | Illinois Register Citation |
|----------------|-----------------|----------------------------|
| 240.155        | New             | 22 Ill. Reg. 2044          |
| 240.160        | Amend           | 22 Ill. Reg. 2044          |
| 240.170        | Repeal          | 22 Ill. Reg. 2044          |
| 240.180        | Amend           | 22 Ill. Reg. 2044          |
| 240.185        | New             | 22 Ill. Reg. 2044          |
| 240.190        | Amend           | 22 Ill. Reg. 2044          |

10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact upon units of local government11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Alfred L. Clayborne, Legal Counsel

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Illinois Department of Natural Resources  
524 South Second Street  
Springfield IL 62701  
Telephone: (217)782-1809

Commentors must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.

Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues Involved. All comments are due at the above address no later than 5:00 p.m. on March 16, 1998. Comments received thereafter will not be considered in this rulemaking.

The Department will hold a public hearing on the proposed rulemaking on February 25, 1998 at the Ramada Keller Convention Center in Effingham, Illinois at 10:00 a.m. Representatives of small businesses are encouraged to comment about the impact of the proposed rulemaking at this public hearing.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The proposed amendments will have no impact on small municipalities or not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The Department neglected to file a regulatory agenda on this Part.

The full text of the Proposed Amendments begins on the next page.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 62: MINING  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 240  
THE ILLINOIS OIL AND GAS  
ACT

## SUBPART A: GENERAL PROVISIONS

| Section |  |
|---------|--|
| 240.10  | Definitions                                    |
| 240.20  | Prevention of Waste (Repealed)                 |
| 240.30  | Jurisdiction (Repealed)                        |
| 240.40  | Enforcement of Act (Repealed)                  |
| 240.50  | Delegation of Authority (Repealed)             |
| 240.60  | Right of Inspection (Repealed)                 |
| 240.70  | Right of Access (Repealed)                     |
| 240.80  | Sworn Statements (Repealed)                    |
| 240.90  | Additional Reports (Repealed)                  |
| 240.100 | When Rules Become Effective (Repealed)         |
| 240.110 | Notice of Rules (Repealed)                     |
| 240.120 | Forms (Repealed)                               |
| 240.130 | Hearings--Notices (Repealed)                   |
| 240.131 | Unitization Hearings                           |
| 240.132 | Integration Hearings                           |
| 240.133 | Hearings to Establish Pool-Wide Drilling Units |
| 240.140 | Violations Not Requiring Formal Action         |
| 240.150 | Notice of Violation                            |
| 240.160 | Director's Decision                            |
| 240.170 | Cessation Order                                |
| 240.180 | Enforcement Hearings                           |
| 240.190 | Temporary Relief                               |
| 240.195 | Subpoenas                                      |

## SUBPART B: PERMIT APPLICATION PROCEDURES FOR PRODUCTION WELLS

| Section |   |
|---------|---|
| 240.200 | Applicability   |
| 240.210 | Application for Permit to Drill, Deepen or Convert to a Production Well |
| 240.220 | Contents of Application   |
| 240.230 | Authority of Person Signing Application                                 |
| 240.240 | Additional Requirements for Directional Drilling                        |
| 240.245 | Additional Requirements for Horizontal Drilling                         |
| 240.250 | Issuance of Permit to Drill   |
| 240.251 | Revocation of Permit to Drill   |
| 240.255 | Conversion of a Production Well to a Water Well                         |
| 240.260 | Change of Well Location   |



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 240.270 Application for Approval of Enhanced Recovery Injection and Disposal Operations (Repealed)
- 240.280 Duration of Underground Injection Well Orders (Repealed)

## SUBPART C: PERMIT APPLICATION PROCEDURES FOR CLASS II UIC WELLS

- Section
- 240.300 Applicability
- 240.305 Transfer of Management (Recodified)
- 240.310 Application for Permit to Drill, Deepen, Convert or Amend to a Class II UIC Well
- 240.320 Contents of Application
- 240.330 Authority of Person Signing Application
- 240.340 Proposed Well Construction and Operating Parameters
- 240.350 Groundwater and Potable Water Supply Information
- 240.360 Area of Review
- 240.370 Public Notice
- 240.380 Issuance of Permit
- 240.385 Conversion of a Class II Well to a Water Well
- 240.390 Permit Amendments
- 240.395 Update of Class II UIC Well Permits Issued Prior to July 1, 1987

## SUBPART D: SPACING OF WELLS

- Section
- 240.400 Definitions
- 240.410 Drilling Units
- 240.420 Well Location Exceptions within Drilling Unit
- 240.430 Drilling Unit Exceptions
- 240.440 More Than One Well on a Drilling Unit
- 240.450 Directional Drilling
- 240.455 Horizontal Drilling
- 240.460 Modified Drilling Unit
- 240.465 Special Drilling Unit
- 240.470 Establishment of Pool-Wide Drilling Units Based Upon Reservoir Characteristics

SUBPART E: WELL DRILLING,  
COMPLETION AND WORKOVER REQUIREMENTS

- Section
- 240.500 Definitions
- 240.510 Department Permit Posted
- 240.520 Drilling Fluid Handling and Storage
- 240.525 Saltwater or Oil Based Drilling Fluid Handling and Storage
- 240.530 Completion Fluid and Completion Fluid Waste Handling and Storage
- 240.540 Drilling and Completion Pit Restoration
- 240.550 Disposal of General Oilfield Wastes and Other Wastes

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- SUBPART F: WELL CONSTRUCTION, OPERATING AND REPORTING REQUIREMENTS FOR PRODUCTION WELLS
- OPERATING REQUIREMENTS

- Section
- 240.600 Applicability
- 240.605 Drilled Out Plugged Hole (DOPH) Notification
- 240.610 Construction Requirements for Production Wells
- 240.620 Remedial Cementing of Leaking Wells
- 240.630 Operating Requirements
- 240.640 Reporting Requirements
- 240.640 Confidentiality of Well Data
- 240.650 Mechanical Integrity Testing for Class II Injection Wells (Repealed)
- 240.655 Monitoring and Reporting Requirements for Enhanced Recovery Injection and Disposal Wells (Repealed)
- 240.660 Avoidable Waste of Gas (Repealed)
- 240.670 Escape of Unburned Gas Prohibited (Repealed)
- 240.680

SUBPART G: WELL CONSTRUCTION, OPERATING  
AND REPORTING REQUIREMENTS FOR CLASS II UIC WELLS

- Section
- 240.700 Applicability and Definitions
- 240.710 Surface and Production Casing Requirements for Newly Drilled Class II UIC Wells Drilled After the Effective Date of this Section
- 240.720 Surface and Production Casing Requirements for Conversion to Class II UIC Wells
- 240.730 Surface and Production Casing Requirements for Existing Class II UIC Wells
- 240.740 Other Construction Requirements for Class II UIC Wells
- 240.750 Operating Requirements for Class II UIC Wells
- 240.760 Establishment of Internal Mechanical Integrity for Class II UIC Wells
- 240.770 Establishment of External Mechanical Integrity for Class II UIC Wells
- 240.780 Reporting Requirements for Class II UIC Wells
- 240.790 Confidentiality of Well Data
- 240.795 Commercial Saltwater Disposal Well

## SUBPART H: LEASE OPERATING REQUIREMENTS

- Section
- 240.800 Definitions
- 240.805 Lease and Well Identification
- 240.810 Tanks and Containment Dikes
- 240.820 Flowlines
- 240.830 Power Lines
- 240.840 Equipment Storage

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

240.850 Concrete Storage Structures  
240.860 Pits  
240.861 Existing Pit Exemption For Continued Production Use  
240.862 Existing Pit Exemption For Alternative Use  
240.870 Leaking Unpermitted Drill Hole  
240.880 Spill Notification  
240.890 Crude Oil Spill Clean-Up Requirements  
240.891 Crude Oil Spill Waste Disposal and Remediation  
240.895 Produced Water Spill Clean-Up Requirements

SUBPART I: LIQUID OILFIELD WASTE HANDLING AND DISPOSAL

Section  
240.900 Definitions  
240.905 Application for Permit to Operate a Liquid Oilfield Waste Transportation System  
240.906 Application for a Liquid Oilfield Waste Transportation Vehicle Permit

240.910 Inspection of Vehicles (Tanks)  
240.920 Issuance of Liquid Oilfield Waste Transportation System and Vehicle Permits  
240.925 Liquid Oilfield Waste Recordkeeping Requirements  
240.926 Liquid Oilfield Waste Transportation System and Vehicle Operating Requirements  
240.930 Produced Water  
240.940 Crude Oil Bottom Sediments  
240.950 Crude Oil Spill Waste Disposal (Repealed)  
240.960 Oil Field Brine Hauling Permit Conditions (Repealed)  
240.970 Inspection of Vehicles (Repealed)  
240.980 Transfer of Permits (Repealed)  
240.985 Revocation of Oil Field Brine Hauling Permit (Repealed)  
240.990 Records and Reporting Requirements (Repealed)  
240.995 Bonds--Blanket Surety Bond (Repealed)

SUBPART J: VACUUM

Section  
240.1000 Definitions  
240.1005 Applicability  
240.1010 Application for Vacuum Permit  
240.1020 Contents of Application  
240.1030 Authority of Person Signing Application  
240.1040 Notice and Hearing  
240.1050 Issuance of Permit  
240.1060 Permit Amendments

SUBPART K: PLUGGING OF WELLS

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Section  
240.1105 Plugging of Non-Productive Wells (Repealed)  
240.1110 Definitions  
240.1120 Plugging of Uncased Wells  
240.1130 Plugging or Temporary Abandonment of Inactive Wells and Certain Class II UIC Wells  
240.1131 Extension of Future Use Status  
240.1140 General Plugging Procedures and Requirements  
240.1150 Specific Plugging Procedures  
240.1151 Procedures for Plugging Coal Seams  
240.1160 Plugging Fluid Handling and Storage  
240.1170 Plugging Fluid Waste Disposal and Well Site Restoration  
240.1180 Lease Restoration  
240.1181 Lease Restoration Requirements  
240.1190 Filing Plugging Report

SUBPART L: REQUIREMENTS FOR OTHER TYPES OF WELLS

Section  
240.1200 Applicability  
240.1205 Application for Permit to Drill a Test Well or Drill Hole  
240.1210 Contents of Application for Permit to Drill or Convert to an Observation, Gas Storage Well or Service Well (Repealed)  
240.1220 Contents of Application for Coal Test Hole, Mineral Test Hole, Structure Test Hole, or Coal or Mineral Groundwater Monitoring Well  
240.1230 Authority of Person Signing Application  
240.1240 Issuance of Permit  
240.1250 When Wells Shall Be Plugged and Department Notification  
240.1260 Plugging and Restoration Requirements  
240.1270 Confidentiality  
240.1280 Converting to Water Well

SUBPART M: PROTECTION OF WORKABLE COAL BEDS

Section  
240.1300 Introduction  
240.1305 Permit Requirements in Mine Areas  
240.1310 Workable Coal Beds Defined  
240.1320 Mining Board may Determine Presence of Coal Seams  
240.1330 Well Locations Prohibited  
240.1340 Notice to Mining Board  
240.1350 Casing and Protective Work  
240.1360 Operational Requirements Over Active Mine  
240.1370 Inspection of Vehicles (Recodified)  
240.1380 Transfer of Permits (Recodified)  
240.1385 Revocation of Oil Field Brine Hauling Permit (Recodified)  
240.1390 Records and Reporting Requirements (Recodified)  
240.1395 Bonds--Blanket Surety Bond (Recodified)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

## SUBPART N: TRANSFER OF PERMIT

| Section  | Definitions                                 |
|----------|---|
| 240.1400 | Transfer of Management (Repealed)           |
| 240.1405 | Applicability                               |
| 240.1410 | When Notification to be Made                |
| 240.1420 | Responsibilities of Current Permittee       |
| 240.1430 | Responsibilities of New Permittee           |
| 240.1440 | Authority of Persons Signing Notification   |
| 240.1450 | Other Conditions for and Effect of Transfer |
| 240.1460 | Revocation of Permit to Transfer            |
| 240.1470 | Administrative Record Correction Transfer   |
| 240.1480 | Transfer Hearings                           |
| 240.1490 |   |

## SUBPART O: BONDS

| Section  | When Required, Amount and When Released |
|----------|---|
| 240.1500 | Definitions                             |
| 240.1510 | Bond Requirements                       |
| 240.1520 | Forfeiture of Bonds                     |
| 240.1530 |   |

## SUBPART P: WELL PLUGGING AND RESTORATION PROGRAM

| Section  | Definitions   |
|----------|---|
| 240.1600 | Plugging Leaking or Abandoned Wells   |
| 240.1610 | Plugging Orphaned Wells   |
| 240.1620 | Plugging Abandoned Wells Through Landowner Grant                                |
| 240.1630 | Emergency Well Plugging, and Emergency Repair Remedial Work, Emergency Projects |
| 240.1635 | Emergency Well Plugging and Emergency Project Reimbursement Projects            |
| 240.1640 | Repayment of Funds  |

## SUBPART Q: ANNUAL WELL FEES

| Section  | Fee Liability                  |
|----------|--------------------------------|
| 240.1700 | Amount of Assessment           |
| 240.1705 | Annual Permittee Reporting     |
| 240.1710 | When Fees are Due              |
| 240.1720 | Opportunity to Contest Billing |
| 240.1730 | Delinquent Permittees          |
| 240.1740 |                                |

SUBPART R: REQUIREMENTS IN UNDERGROUND GAS STORAGE FIELDS,  
AND FOR GAS STORAGE AND OBSERVATION WELLS

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| Section  | Applicability   |
|----------|---|
| 240.1800 | Definitions   |
| 240.1805 | Submission of Underground Gas Storage Field Map   |
| 240.1810 | Permit Requests in a Underground Gas Storage Field  |
| 240.1820 | Application for Permit to Drill or Convert Wells  |
| 240.1830 | Content of Application for Permit to Drill or Convert to an Observation or Gas Storage Well |
| 240.1835 | Authority of Person Signing Application   |
| 240.1840 | Issuance of Permit  |
| 240.1850 | Gas Storage and Observation Well, Construction, Operating and Reporting Requirements        |
| 240.1852 | Well Drilling Completion and Workover Requirements  |
| 240.1855 | Storage Field Operating Requirements  |
| 240.1860 | Liquid Oilfield Waste Disposal  |
| 240.1865 | Plugging of Gas Storage and Observation Wells   |
| 240.1870 |   |

## SUBPART S: REQUIREMENTS FOR SERVICE WELLS

| Section  | Applicability   |
|----------|---|
| 240.1900 | Application for Permit to Drill or Convert to Other Types of Wells or Drill Holes |
| 240.1905 | Contents of Application for Permit to Drill or Convert to a Service Well          |
| 240.1910 | Authority of Person Signing Application   |
| 240.1920 | Issuance of Permit  |
| 240.1930 | When Wells Shall Be Plugged and Department Notification                           |
| 240.1940 | Plugging and Restoration Requirements   |
| 240.1950 | Converting to Water Well  |
| 240.1960 |   |

AUTHORITY: Implementing and authorized by Sections 6 and 8a of the Illinois Oil and Gas Act [225 ILCS 725/6 and 8a].

SOURCE: Adopted November 7, 1951; emergency amendment at 6 Ill. Reg. 903, effective January 15, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5542, effective April 19, 1982; codified at 8 Ill. Reg. 2475; amended at 11 Ill. Reg. 2818, effective January 27, 1987; amended at 14 Ill. Reg. 2317, effective January 25, 1990; recodified at 14 Ill. Reg. 3053; amended at 14 Ill. Reg. 13620, effective August 8, 1990; amended at 14 Ill. Reg. 20427, effective January 1, 1991; amended at 15 Ill. Reg. 2706, effective January 31, 1991; recodified at 15 Ill. Reg. 8566; recodified at 15 Ill. Reg. 11641; emergency amendment at 15 Ill. Reg. 14679, effective September 30, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 15493, effective October 10, 1991; amended at 16 Ill. Reg. 2576, effective February 3, 1992; amended at 16 Ill. Reg. 15513, effective September 29, 1992; expedited correction at 16 Ill. Reg. 18859, effective September 29, 1992; emergency amendment at 17 Ill. Reg. 1195, effective January 12, 1993, for a maximum of 150 days; amended at 17 Ill. Reg.



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2217, effective February 8, 1993; amended at 17 Ill. Reg. 14097, effective August 24, 1993; amended at 17 Ill. Reg. 19923, effective November 8, 1993; amended at 18 Ill. Reg. 8061, effective May 13, 1994; emergency amendment at 18 Ill. Reg. 10380, effective June 21, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16361, effective November 18, 1994; amended at 19 Ill. Reg. 10981, effective July 14, 1995; amended at 21 Ill. Reg. 7164, effective June 3, 1997; emergency amendment at 22 Ill. Reg. 988, effective December 22, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

In this part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART P: WELL PLUGGING AND RESTORATION PROGRAM  
Section 240.1600 Definitions

The following definitions are applicable to this Subpart:

"Abandoned well" means:

A well:

for which the underlying lease has been released in writing by the lessee or has been declared forfeited or invalid by a court order, such order is final and the appeal period has lapsed; and

the lessor states in writing that the lessor has not leased out the oil and gas working interest to any other person and does not intend to so lease, that the lessor does not intend to operate the well, and that the lessor desires that the well be plugged; or

A well owned by a permittee who has made no payment by November 1 of a current annual well fee assessment; or

A well that has not produced for over 2 years and has failed to comply with temporary abandonment requirements in accordance with Section 240.1130 of this Part.

"Emergency Clean-up Project" means an emergency well-site or crude oil production facility clean-up or crude oil or saltwater spill clean-up or remediation of conditions endangering public health or safety or contaminating surface waters, ground water, or the surface of the land, of the U.S.-as-defined-by-the-Federal-Oil-Pollution-Act-of-1990.

"Emergency Repair Remedial Work" means remedial work to repair or

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contain leaks, as-a-direct-result-of-a-leaking-well or produced fluids from production equipment, pits, or other containment structures of-oil-or-saltwater that are contaminating surface waters, ground waters or are flowing in sufficient quantity to create an increasing area of contamination on the surface of the land.

"Emergency Well Plugging" means the plugging and abandonment of a well or wells that are actively flowing oil or saltwater and are contaminating surface waters, ground waters or flowing in sufficient quantity to create an increasing area of contamination on the surface of the land, or a well leaking natural gas or hydrogen sulfide gas in sufficient quantity to endanger public safety or create a fire hazard or a non-leaking well which poses an imminent danger to public safety.

"PRP" means the Department's Plugging and Restoration Fund, established under Section 6 of the Illinois Oil and Gas Act.

"Well-Site" means--the--area--within--the--immediate-neighborhood--of--the--wellhead--and--the--associated--lease--tanks--used--for--storage--of--crude--oil--and--saltwater--excluding--produced--water--storage--pits--concrete--storage--structures--and--centralized--tank--batteries--associated--with--enhanced--oil--recovery--projects.

"Well Site Equipment" means the equipment, including but not limited to an associated tank battery and production facility equipment, hydrocarbons from the well that are stored in tanks located on the lease, and hydrocarbons recovered during the plugging operation, that may be sold at a public action or a public or private sale. All well site equipment and hydrocarbons acquired by a person by sale shall be acquired under clear title, subject to any perfected prior legal or equitable claims. (Section 19.6 of the Oil and Gas Act)

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

Section 240.1610 Plugging Leaking or Abandoned Wells

a) If the Department finds, upon inspection, that a well drilled for the exploration, development, storage or production of oil or gas, or for injection, salt water disposal, salt water source, observation, and geological or structure test, may be abandoned or leaking salt water, oil, gas or other deleterious substances into any fresh water formation or onto the surface of the land, the Department may schedule a hearing pursuant to Section 19.1 of the Act to order the well plugged if abandoned or repaired or plugged if leaking.

b) Hearings

- 1) Notice of Hearing  
Whenever the Department holds a hearing pursuant to Section 19.1

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of the Act, the Department shall give written notice to the permittee and surface owner personally or by certified mail sent to the permittee's last known address. The notice shall include the date, time, place, nature of the hearing and the name and address of the hearing officer. The notice shall be mailed at least 14 days prior to the scheduled hearing date.

## 2) Right to Counsel, Appearance

A) Right to Counsel  
Any party may appear and be heard through an attorney at law authorized to practice in the State of Illinois.

## B) Appearance of Attorney

An attorney appearing in a representative capacity in any proceeding hereunder shall file a written notice of appearance identifying his or her name, address and telephone number, and identifying the party represented.

## 3) Burden and Standard of Proof

The Department shall have the burden of proof at the hearing. The standard for decision shall be a preponderance of the evidence.

## 4) Hearing Officer; Powers and Duties

A) The Hearing Officer designated to preside over a hearing shall take all necessary action to avoid delay, to maintain order, and to develop a clear and complete record, and shall have all powers necessary and appropriate to conduct a fair hearing, including the following:

- i) To administer oaths and affirmations;
- ii) To receive relevant evidence;
- iii) To regulate the course of the hearing and the conduct of the parties and their counsel therein;
- iv) To consider and rule upon procedural requests;
- v) To hold conferences for the settlement or simplification of the issues; and
- vi) To examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitive or cumulative testimony and set reasonable limits on the amount of time each witness may testify.

B) The Hearing Officer shall allow all parties to present statements, testimony, evidence and argument as may be relevant to the proceeding.

## 5) Hearing Location

All hearings under this Subpart shall be conducted in the Department's offices located in Springfield, Illinois. However, the Department may conduct a hearing under this Subpart at a site located closer than Springfield, Illinois, to the production and injection/disposal well identified in the Notice of Hearing if facilities are available and satisfactory to the Department.

## 6) Pre-Hearing Conferences

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A) Upon the motion of either party, the Hearing Officer shall schedule a conference in order to:

- i) Simplify the factual and legal issues presented by the hearing request;
- ii) Receive stipulations, admissions of fact and of the contents and authenticity of documents;
- iii) Exchange lists of all witnesses the parties intend to have testify and copies of all documents the parties intend to introduce into evidence at the hearing; and
- iv) Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to assure a just conclusion thereof.

B) Pre-hearing conferences may be held by telephone conference if such procedure is acceptable to all of the parties.

## 7) Postponement or Continuance of Hearing

A hearing may be postponed or continued for due cause by the Hearing Officer or upon the motion of a party to the hearing. A motion filed by a party to the hearing shall set forth facts attesting that the request for continuance is not for the purpose of delay. Except in the case of an emergency, motions requesting postponement or continuance shall be made in writing and shall be received by all parties to the hearing at least 3 business days prior to the scheduled hearing date. All parties involved in a hearing shall avoid undue delay caused by repetitive postponements or continuance so that the subject matter of the hearing may be resolved expeditiously.

## 8) Default

If a party, after proper service of notice, fails to appear at a pre-hearing conference or at a hearing, and if no continuance is granted, the Department may then proceed and make its decision in the absence of such party. If the failure to appear at such pre-hearing conference or hearing is due to emergency situation beyond the party's control, and the Department is notified of such situation on or before the scheduled pre-hearing conference or hearing date, the pre-hearing conference or hearing will be continued or postponed pursuant to subsection (b)(7) above. Emergency situations include sudden unavailability of counsel, sudden illness of a party or his representative, or similar situations beyond the party's control.

9) Within 30 days after the close of the hearing record, the Hearing Officer shall issue proposed findings of fact, conclusions of law and recommendations as to the disposition of the case.

10) The Director shall review the administrative record in conjunction with the hearing officer's recommended findings of fact, recommended conclusions of law and recommendations as to the disposition of the case. The Director shall then issue the Department's final administrative decision affirming, vacating or modifying the hearing officer's decision.

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c) Upon the issuance of a final administrative decision which finds that a well has been abandoned or is leaking salt water, oil, gas or other deleterious substances into any fresh water formation or onto the surface of the land, the permittee shall, within 30 days, properly plug, replug or repair the well so as to remedy the situation.

d) If the permittee fails to remedy the situation within 30 days from the date of the order, the well shall be placed in the PRF Program. ~~The Department may authorize any person to enter upon the land and plug, replug, or repair the well and restore the well site. The cost of all work completed under this subsection (d) shall be paid from the Annual Well Fee portion of the Plugging and Restoration Fund.~~

e) The Department may authorize any person to enter upon the land and plug, replug, or repair the well and restore the well site. The Department may dispose of all well site equipment and hydrocarbons in accordance with Section 19.6 of the Illinois Oil and Gas Act as follows: public sale, auction, private sale, or by assignment or quit claim deed to a third party to offset plugging costs.

f) Proceeds from any public sale, auction or private sale shall be deposited into the Plugging and Restoration Fund in accordance with Section 6(19) of the Illinois Oil and Gas Act or used to offset plugging costs.

g) The cost of all work completed under this Section shall be paid from the Annual Well Fee portion of the Plugging and Restoration Fund.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 24.1620 Plugging Orphaned Wells

a) If upon review of Department records a determination is made that no permittee can be located, no bond exists and no fees have been paid in accordance with Section 19.7 of the Act, the well shall be deemed an orphaned well and placed in the PRF Program.

b) The Department may elect to plug, replug or repair the well and/or restore the well site of any orphaned well. The Department may authorize any person to enter upon the land and plug, replug, and restore the well site. The Department may dispose of all well site equipment and hydrocarbons in accordance with Section 19.6 of the Illinois Oil and Gas Act as follows: public sale, auction, private sale, or by assignment or quit claim deed to a third party to offset plugging costs.

c) Proceeds from any public sale, auction or private sale shall be deposited into the Plugging and Restoration Fund in accordance with Section 6(19) of the Illinois Oil and Gas Act or used to offset plugging costs.

d) If the Department determines that any condition or practice exists which creates an imminent danger to the health or safety of the public, or an imminent danger of significant environmental harm or

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significant damage to property, the Department or its agent may immediately take any action necessary to temporarily correct the source of oil, salt water, gas or other deleterious substances intrusion into fresh water zones or onto the surface.

e) The cost of all work completed under this Section shall be paid from the bond forfeiture monies portion of the Plugging and Restoration Fund.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 240.1625 Plugging Abandoned Wells Through Landowner Grant

a) The provisions of this Section apply to:

1) Wells determined to be abandoned in accordance with this Subpart P and placed into the Department Plugging and Restoration Program pursuant to a final administrative decision of the Department.

2) Abandoned wells may be eligible to be plugged under the Landowner Grant Program upon application to the Department by the owner of the land surface on which a well(s) is located, provided that the land surface owner is not the current or a past permittee of the well(s).

b) All wells plugged and well sites restored under this Section shall be completed in accordance with Subpart K.

c) The number of wells plugged and expenditures made under this program are limited to the annual appropriation of funds to the Landowner Grant Program by the legislature.

d) Each land surface owner is limited to receiving a grant amount for a maximum of 5 wells per fiscal year, unless available funds allow the Department to award increased grant amounts.

e) During the first year of the program, grant applications shall only be accepted after December 22, 1997 and be processed in the order they are received until the appropriated funds have been allotted.

f) Following the first year of the program, the Department shall only accept and process grant applications after April 1 for the coming fiscal year. Applications received before April 1 for the coming fiscal year shall be returned to the applicant for submission after April 1. Applications shall be accepted and processed until the allocated funds in the grant program have been awarded, after which time all unawarded grant applications shall be returned to the applicant.

g) Approved applications shall be considered for funding each year in the order they were received after April 1. The exception will be if the Department determines a well is creating or has the potential to create environmental damage to surface waters or groundwater or poses an immediate danger to the health and safety of the public, the well may be given greater priority on the current year's plugging list.

h) Grant applications shall contain at a minimum:



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- 1) The land surface owner's name, address and telephone number.
- 2) The location of the well(s), with verification from the Department well inspectors.
- 3) An estimated salvage value of the well and well site equipment.
- 4) The cost to plug the well and restore the well site.
- 5) A signed contract between the land surface owner and plugging contractor on a form provided by the Department.
- 6) A signed statement by the land surface owner that the applicant is the owner of the land surface, will be responsible for all costs of plugging the well and well site restoration in accordance with Department regulations, and indemnifies the Department from any liability relative to the plugging activity.

## i) Application Review and Approval

- 1) In determining the approval of the application the Department shall review:
  - A) eligibility of the well to be plugged;
  - B) the reasonableness of the cost to plug the well;
  - C) the salvage value of the on-site equipment; and
  - D) the enforcement history of the proposed plugging contractor.
- 2) If the Department determines that the well is eligible for plugging, the application is properly completed, the plugging cost and estimated salvage value are reasonable in relation to industry standards, and the plugging contractor has no unabated notices of violation or a substantial enforcement history of environmental related violations, the Department shall notify the landowner of the grant award.

## i) Grant Award

- 1) The grant amount shall be the amount requested less the salvage value specified in the grant application or established by the Department during the grant review process.
- 2) The land surface owner shall be notified of the grant award at which time the applicant shall have 10 working days to accept in writing by signing and returning the grant award document.
- 3) Upon completion of the well plugging and site restoration, approved by a well inspector, the Department shall forward the grant funds to the land surface owner. If the well plugging and site restoration is not approved, grant funds will not be awarded.
- 4) All well plugging and well site restoration activities shall be commenced within 120 days and shall be completed within 180 days after Department approval of the grant.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 240.1630 Emergency Well Plugging, and Emergency Remedial Repair Work, Emergency Projects

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- a) If the Department determines that any condition or practice exists, or that any person or permittee is in violation of any requirement of the Act, this Part or any permit condition, and this practice, condition or violation creates an imminent danger to the health or safety of the public or an imminent danger of significant environmental harm or significant damage to property, the Department shall issue a cessation order pursuant to Section 240.170 of this Part to the last known permittee of record. If the responsible party cannot be readily located or is no longer in existence, the Department is ~~will~~ not required to issue a cessation order and ~~may~~ will take any action deemed necessary to correct the condition.
- b) Upon the expiration of time within which abatement was required under the cessation order, if issued, the Department may take any action, including well plugging, ~~the well and~~ well site restoration, facility clean-up, or emergency clean-up, deemed necessary to cause a cessation of the danger to the public health and safety or environmental harm and abatement of any condition.
- c) The cost of all emergency well plugging, ~~and~~ emergency repair ~~remedial~~ work and emergency clean-up projects completed under this Section shall be paid from the Annual Well Fee portion of the plugging and Restoration Fund.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 240.1635 Emergency Well Plugging and Emergency Project Projects Reimbursement

- a) If the Department determines that any condition or practice exists, as specified in Section 240.1630 of this Part, ~~which~~ endangers the waters of the U.S. as a result of a crude oil spill or indicates the potential for a crude oil spill in accordance with the Federal Oil Pollution Act of 1990 (OPA), the Department may seek reimbursement of monies expended from the Plugging and Restoration Fund from ~~active~~ the Federal Oil Pollution Act (OPA) Fund in accordance with USEPA guidelines.
- b) Reimbursement funds shall be deposited in the Plugging and Restoration Fund. ~~The cost of all work completed under this Section shall be paid from the OPA reimbursement portion of the plugging and Restoration Fund.~~

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 240.1640 Repayment of Funds

- a) The permittee must reimburse the plugging and Restoration Fund for all funds obligated from the plugging and Restoration Fund, excepting OPA

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reimbursed monies, for repair, plugging, or restoration or clean-up work on the permittee's wells or sites, together with all interest accrued, as provided under Section 19.9 of the Act.

- b) Prior to repayment of all funds, the permittee shall not operate any other existing wells in the permittee's name.
- c) After repayment of all funds, the permittee shall post a bond in accordance with Section 240.1500(a)(1)(E) and (a)(2) for a period of 2 consecutive billing cycles in accordance with Section 240.1500(a)(3)(C) prior to permitting or operating any wells.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Aid to the Aged, Blind or Disabled
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3) Section Numbers: Proposed Action:  
113.40 Amendment  
113.50 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13].
- 5) A Complete Description of the Subjects and Issues involved: The purpose of this rulemaking is to clarify the provisions for continuing or reinstating AABD cash assistance to clients who, while receiving AABD assistance, are found "not blind" or "not disabled" by the Social Security Administration (SSA) and appeal that decision to SSA.  
  
As a result of these proposed amendments, if the individual appeals the SSA determination of blindness or disability to SSA, assistance will be continued or reinstated through the level of a determination by an Administrative Law Judge only if the individual continues to receive SSI and/or SSA.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking neither creates nor expands a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor, Harris Bldg.  
Springfield, Illinois 62762  
Telephone number: (217) 785-9772



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TTY: (217) 557-1547

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

## 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary form compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Rule(s) begins on the next page:

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TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

## PART 113

AID TO THE AGED, BLIND OR DISABLED

## SUBPART A: GENERAL PROVISIONS

| Section | Description of the Assistance Program<br>Incorporation By Reference |
|---------|---|
| 113.1   |   |
| 113.5   |   |

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

| Section |                        |
|---------|------------------------|
| 113.9   | Client Cooperation     |
| 113.10  | Citizenship            |
| 113.20  | Residence              |
| 113.30  | Age                    |
| 113.40  | Blind                  |
| 113.50  | Disabled               |
| 113.60  | Living Arrangement     |
| 113.70  | Institutional Status   |
| 113.80  | Social Security Number |

## SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

| Section |   |
|---------|---|
| 113.100 | Unearned Income   |
| 113.101 | Budgeting Unearned Income   |
| 113.102 | Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision |
| 113.103 | Initial Receipt of Unearned Income  |
| 113.104 | Termination of Unearned Income  |
| 113.105 | Unearned Income In-Kind   |
| 113.106 | Earmarked Income  |
| 113.107 | Lump Sum Payments and Income Tax Refunds  |
| 113.108 | Protected Income (Repealed)   |
| 113.109 | Earned Income (Repealed)  |
| 113.110 | Budgeting Earned Income (Repealed)  |
| 113.111 | Protected Income  |
| 113.112 | Earned Income   |
| 113.113 | Exempt Unearned Income  |
| 113.114 | Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision   |
| 113.115 | Initial Employment  |

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113.116 Budgeting Earned Income For Contractual Employees  
 113.117 Budgeting Earned Income For Non-contractual School Employees  
 113.118 Termination of Employment  
 113.120 Exempt Earned Income  
 113.125 Recognized Employment Expenses  
 113.130 Income From Work/Study/Training Programs  
 113.131 Earned Income From Self-Employment  
 113.132 Earned Income From Roomer and Boarder  
 113.133 Earned Income From Rental Property  
 113.134 Earned Income In-Kind  
 113.139 Payments from the Illinois Department of Children and Family Services  
 113.140 Assets  
 113.141 Exempt Assets  
 113.142 Asset Disregard  
 113.143 Deferral of Consideration of Assets  
 113.154 Property Transfers For Applications Filed Prior To October 1, 1989 (Repealed)

113.155 Property Transfers For Applications Filed On Or After October 1, 1989 (Repealed)  
 113.156 Court Ordered Child Support Payments of Parent/Step-Parent  
 113.157 Sponsors of Aliens  
 113.160 Assignment of Medical Support Rights

## SUBPART D: PAYMENT AMOUNTS

## Section

113.245 Payment Levels for AABD  
 113.246 Personal Allowance  
 113.247 Personal Allowance Amounts  
 113.248 Shelter  
 113.249 Utilities and Heating Fuel  
 113.250 Laundry  
 113.251 Telephone  
 113.252 Transportation, Lunches, Special Fees  
 113.253 Allowances for Increase in SSI Benefits  
 113.254 Nursing Care or Personal Care in Home Not Subject to Licensing  
 113.255 Sheltered Care in a Licensed Group Care Facility  
 113.256 Shopping Allowance  
 113.257 Special Allowances for Blind and Partially Sighted (Blind Only)  
 113.258 Home Delivered Meals  
 113.259 AABD Fuel and Utility Allowances By Area  
 113.260 Sheltered Care Rates  
 113.261 Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities  
 113.262 Meeting the Needs of an Ineligible Dependent with Client's Income

## SUBPART E: OTHER PROVISIONS

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Section  
 113.300 Persons Who May Be Included In the Assistance Unit  
 113.301 Grandfathered Cases  
 113.302 Interim Assistance (Repealed)  
 113.303 Special Needs Authorizations  
 113.304 Retrospective Budgeting  
 113.305 Budgeting Schedule  
 113.306 Purchase and Repair of Household Furniture (Repealed)  
 113.307 Property Repairs and Maintenance  
 113.308 Excess Shelter Allowance  
 113.309 Limitation on Amount of AABD Assistance to Recipients from Other States  
 113.320 Redetermination of Eligibility  
 113.330 Attorney's Fees for VA Appellants (Repealed)

## SUBPART F: INTERIM ASSISTANCE

Section  
 113.400 Description of the Interim Assistance Program  
 113.405 Pending SSI Application (Repealed)  
 113.410 More Likely Than Not Eligible for SSI (Repealed)  
 113.415 Non-Financial Factors of Eligibility (Repealed)  
 113.420 Financial Factors of Eligibility (Repealed)  
 113.425 Payment Levels for Chicago Interim Assistance Cases (Repealed)  
 113.430 Payment Levels for all Interim Assistance Cases Outside Chicago (Repealed)  
 113.435 Medical Eligibility (Repealed)  
 113.440 Attorney's Fees for SSI Applicants (Repealed)  
 113.445 Advocacy Program for Persons Receiving Interim Assistance (Repealed)  
 113.450 Limitation on Amount of Interim Assistance to Recipients from Other States (Repealed)  
 113.500 Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; emergency expired January 28, 1979; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6,

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1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by Sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985;

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amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 9669, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15,



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1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 Ill. Reg. 7759, effective May 5, 1994; amended at 18 Ill. Reg. 12818, effective August 5, 1994; amended at 19 Ill. Reg. 1052, effective January 26, 1995; amended at 19 Ill. Reg. 2875, effective February 24, 1995; amended at 19 Ill. Reg. 6639, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 8409, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15034, effective October 17, 1995; amended at 20 Ill. Reg. 858, effective December 29, 1995; emergency amendment at 21 Ill. Reg. 673, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7404, effective May 31, 1997; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

## Section 113.40 Blind

- a) To be eligible for assistance as a blind person, an individual must be determined blind as currently defined by the Social Security Administration (SSA). (See 20 CFR 416, Subpart I, April 1, 1984.)
- b) If an individual is receiving Supplemental Security Income (SSI) or primary Social Security (OASDI) benefits, the Department shall accept the Social Security Administration's Administration (SSA) determination of blindness. The Department will make the determination of blindness when the client has been denied SSI on the basis of too much income. The Department uses the same criteria for blindness as is used under SSI. (See 20 CFR 416, Subpart I, April 1, 1984.)
- c) Determination Process
  - 1) If an individual receiving assistance is determined currently "not blind" by SSA under the SSI or primary OASDI programs, the Department shall accept SSA's determination of blindness and cancel the case, no matter which agency made the original determination of eligibility.
  - 2) If the individual appeals the SSA determination of blindness to SSA, and continues to receive SSI and/or SSA, assistance shall be continued or reinstated through the level of a determination by an Administrative Law Judge (ALJ) subject to the time limits of subsection (c)(3) of this Section below--if assistance has been cancelled--but the client later appeals to SSA, the case shall be reinstated through the ALJ level subject to the time limits--of subsection (c)(3) below.

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- 3) If the client notifies the Department of his appeal to SSA within 10 days after of the date of the Department notice, assistance will be continued with no break. If the client notifies the Department of his appeal to SSA within 11 through 65 days after of the date of the Department notice, assistance will be reinstated back to the original date of cancellation. If the client notifies the Department of his appeal to SSA more than 65 days after the date of the Department notice, assistance will be provided prospectively only, unless the client actually appealed to SSA within 65 days from of the date of the Department notice, in which case assistance will be reinstated back to the original date of cancellation.
- 4) ~~If the client is continuing to receive SSI during the appeal process, the case shall be continued at the SSP level.~~
- 5) If an Administrative Law Judge finds the individual "not blind", the Department shall accept that finding as final. The individual shall not have the right to appeal the determination of blindness to the Department at any time during this process.
- d) Redetermination of blindness is a condition of continuing eligibility for individuals who are not applying for or receiving SSI or OASDI benefits.
- e) When appropriate, the Department shall pay for a medical examination to determine blindness.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 113.50 Disabled

- a) To be eligible for assistance as a disabled person an individual must be determined disabled as currently defined by the Social Security Administration. (See 20 CFR 416, Subpart I, April 1, 1984.)
- b) If an individual is receiving Supplemental Security Income (SSI) or primary Social Security (OASDI) benefits, the Department shall accept the Social Security Administration's Administration (SSA) determination of disability. The Department will make the determination of disability when the client has been denied SSI on the basis of too much income. The Department uses the same criteria for disability as is used under SSI. (See 20 CFR 416, Subpart I, April 1, 1984.)
- c) Determination Process
  - 1) If an individual receiving assistance is determined currently "not disabled" by SSA under the SSI or primary OASDI programs, the Department shall accept SSA's determination of disability and cancel the case, no matter which agency made the original determination of eligibility.
  - 2) If the individual appeals the SSA determination of disability to SSA, and continues to receive SSI and/or SSA, assistance shall be

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continued or reinstated through the level of a determination by an Administrative Law Judge (ALJ) subject to the time limits of subsection(c)(3) of this Section. ~~below--if assistance--has--been cancelled--but the client later appeals to SSA, the case shall be reinstated through the ALJ level subject to the time limits of subsection (c)(3) below.~~

3) If the client notifies the Department of his appeal to SSA within 10 days after of the date of the Department notice, assistance will be continued with no break. If the client notifies the Department of his appeal to SSA within 11 through 65 days after of the date of the Department notice, assistance will be reinstated back to the original date of cancellation. If the client notifies the Department of his appeal to SSA more than 65 days after the date of the Department notice, assistance will be provided prospectively only, unless the client actually appealed to SSA within 65 days from of the date of the Department notice, in which case assistance will be reinstated back to the original date of cancellation.

4) ~~If the client is continuing to receive SSI during the appeal process, the case shall be continued at the SSP level.~~

5) If an Administrative Law Judge finds the individual "not disabled", the Department shall accept that finding as final. The individual shall not have the right to appeal the determination of disability to the Department at any time during this process.

d) Redetermination of disability is a condition of continuing eligibility for individuals who are not applying for or receiving SSI or ORSDI benefits.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Ambulatory Surgical Treatment Center Licensing Requirements

Code Citation: 77 Ill. Adm. Code 205

Section Numbers: Proposed Action:  
205.540 Amendments  
205.620 Amendments

4) Statutory Authority: Ambulatory Surgical Treatment Center Act [210 ILCS 5]

5) A Complete Description of the Subjects and Issues Involved: The rules in Part 205 regulate the licensure of ambulatory surgical treatment centers. Section 205.540 is being amended to clarify transfer provisions. Section 205.620 is being amended to change requirements concerning submission of statistical data to the Department. Quarterly submittals will no longer be required. Instead facilities will collect, compile and maintain the required information and make it available upon the Department's request.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No

7) Does this Rulemaking Contain an Automatic Repeal Date? No

8) Does this Rulemaking Contain Any Incorporations By Reference? No

9) Are there any other Proposed Amendments Pending on this Part? Yes

Section Numbers Proposed Action Ill. Reg. Citation

205.520 Amendments 21 Ill. Reg. 9720

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the *Illinois Register*, to:

Ms. Gail M. DeVito

DEPARTMENT OF PUBLIC HEALTH

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Division of Legal Services  
Illinois Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, Illinois 62761  
217/782-2043

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on this rulemaking shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

- A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected: Ambulatory surgical treatment centers
- B) Reporting, Bookkeeping or Other Procedures Required for Compliance: Statistical data are to be collected, compiled and maintained.
- C) Types of Professional Skills Necessary for Compliance: Medical records and computer skills may be required.

- 13) Regulatory Agency on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: Amendments to Section 205.620 were not included on the Department's Regulatory Agenda. Amendments to Section 205.540 were on the July 1995 Regulatory Agenda.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER b: HOSPITAL AND AMBULATORY CARE FACILITIES

PART 205

AMBULATORY SURGICAL TREATMENT CENTER LICENSING REQUIREMENTS

SUBPART A: GENERAL

Section  
205.110  
205.115  
205.118  
205.120  
205.125  
205.130

Definitions  
Incorporated and Referenced Materials  
Conditions of Licensure  
Application for Initial Licensure  
Application for License Renewal  
Approval of Surgical Procedures

SUBPART B: OWNERSHIP AND MANAGEMENT

Section  
205.210  
205.220  
205.230  
205.240

Ownership, Control and Management  
Organizational Plan  
Standards of Professional Work  
Policies and Procedures Manual

SUBPART C: PERSONNEL

Section  
205.310  
205.320  
205.330  
205.340  
205.350

Personnel Policies  
Presence of Qualified Physician  
Nursing Personnel  
Basic Life Support  
Laboratory Services

SUBPART D: EQUIPMENT, SUPPLIES, AND FACILITY MAINTENANCE

Section  
205.410  
205.420

Equipment  
Sanitary Facility

SUBPART E: GENERAL PATIENT CARE

Section  
205.510  
205.520  
205.530  
205.540

Emergency Care  
Preoperative Care  
Operative Care  
Postoperative Care



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## SUBPART F: RECORDS AND REPORTS

|  |                  |
|--|------------------|
| Section  |                  |
| 205.610  | Clinical Records |
| 205.620  | Statistical Data |
| SUBPART G: LIMITED PROCEDURE SPECIALTY CENTERS |                  |

|         |   |
|---------|---|
| Section |   |
| 205.710 | Pregnancy Termination Specialty Centers |
| 205.720 | Personnel (Repealed)                    |
| 205.730 | General Patient Care (Repealed)         |
| 205.740 | Preoperative Requirements (Repealed)    |
| 205.750 | Postoperative Requirements (Repealed)   |
| 205.760 | Reports (Repealed)                      |

## SUBPART H: LICENSURE PROCEDURES

|         |                          |
|---------|--------------------------|
| Section |                          |
| 205.810 | Complaints               |
| 205.820 | Notice of Violation      |
| 205.830 | Plan of Correction       |
| 205.840 | Adverse Licensure Action |
| 205.850 | Fines and Penalties      |
| 205.860 | Hearings                 |

## SUBPART I: BUILDING DESIGN, CONSTRUCTION STANDARDS, AND PHYSICAL REQUIREMENTS

|          |  |
|----------|--|
| Section  |  |
| 205.1310 | Plant and Service Requirements                                       |
| 205.1320 | General Considerations   |
| 205.1330 | New Construction, Additions and Major Alterations                    |
| 205.1340 | Minor Alterations and Remodeling Changes                             |
| 205.1350 | Administration Department and Public Areas                           |
| 205.1360 | Clinical Facilities  |
| 205.1370 | Support Service Areas  |
| 205.1380 | Diagnostic Facilities  |
| 205.1390 | Other Building Services  |
| 205.1400 | Details and Finishes   |
| 205.1410 | Construction, Including Fire Resistive Requirements, and Life Safety |

## SUBPART J: MECHANICAL

|          |                                   |
|----------|-----------------------------------|
| Section  |                                   |
| 205.1510 | General                           |
| 205.1520 | Thermal and Acoustical Insulation |
| 205.1530 | Steam and Hot Water Systems       |

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## 205.1540 Air Conditioning, Heating and Ventilating Systems

## SUBPART K: PLUMBING AND OTHER PIPING SYSTEMS

|          |                   |
|----------|-------------------|
| Section  |                   |
| 205.1610 | General           |
| 205.1620 | Plumbing Fixtures |
| 205.1630 | Water System      |
| 205.1640 | Drainage Systems  |
| 205.1650 | Identification    |

## SUBPART L: ELECTRICAL

|          |   |
|----------|---|
| Section  |   |
| 205.1710 | General                                 |
| 205.1720 | Switchboards and Power Panels           |
| 205.1730 | Panelboards                             |
| 205.1740 | Lighting                                |
| 205.1750 | Receptacles (Convenience Outlets)       |
| 205.1760 | Grounding                               |
| 205.1770 | Equipment Installation in Special Areas |
| 205.1780 | Emergency Electric Service              |
| 205.1790 | Fire Alarm System                       |

## TABLE A General Pressure Relationships and Ventilation Rates of Ambulatory Surgery Area

AUTHORITY: Implementing and authorized by the Ambulatory Surgical Treatment Center Act [210 ILCS 5].

SOURCE: Amended July 18, 1974; emergency amendment at 3 Ill. Reg. 10, p. 43, effective February 23, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 30, p. 371, effective July 23, 1979; amended at 5 Ill. Reg. 12756, effective November 4, 1981; amended at 6 Ill. Reg. 6220, 6225, and 6226, effective May 17, 1982; amended at 6 Ill. Reg. 10974, effective August 30, 1982; amended at 6 Ill. Reg. 13337, effective October 20, 1982; amended at 7 Ill. Reg. 7640, effective June 14, 1983; codified at 8 Ill. Reg. 9367; amended at 9 Ill. Reg. 12014, effective July 23, 1985; amended at 10 Ill. Reg. 8806, effective June 1, 1986; amended at 10 Ill. Reg. 21906, effective January 15, 1987; amended at 11 Ill. Reg. 14786, effective October 1, 1987; amended at 12 Ill. Reg. 3743, effective February 15, 1988; amended at 12 Ill. Reg. 15573, effective October 1, 1988; amended at 13 Ill. Reg. 16025, effective November 1, 1989; emergency amendment at 14 Ill. Reg. 5596, effective March 26, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13802, effective August 15, 1990; amended at 15 Ill. Reg. 17770, effective December 1, 1991; amended at 17 Ill. Reg. 3507, effective March 3, 1993; amended at 18 Ill. Reg. 11939, effective July 22, 1994; amended at 18 Ill. Reg. 17250, effective December 1, 1994; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

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## SUBPART E: GENERAL PATIENT CARE

## Section 205.540 Postoperative Care

- a) Patients shall be observed in the facility for a period of time sufficient to ensure that the patient is awake, physiologically stable, manifests no immediate postoperative complications, and is ready to return to home or to a similar environment. No patient shall be required to leave the center in less than one (1) hour following the procedure(s) procedures.
- b) Rh factor sensitization prophylaxis shall be provided to all Rh negative patients following procedures performed to terminate pregnancy, in accordance with standard medical procedures.
- c) Patients in whom a complication is known or suspected to have occurred during or after the performance of a surgical procedure shall be informed of such condition, and arrangements shall be made for treatment of the complication. In the event of admission to a hospital, an inpatient facility a summary of care given in the ambulatory surgical treatment center concerning the suspected complication(s) complication shall accompany the patient.
- d) To ensure insure availability of follow-up care at a licensed hospital, the ambulatory surgical treatment center shall provide written documentation of one of the following:
  - 1) A transfer agreement with a licensed hospital within approximately fifteen (15) minutes travel time of the facility.
  - 2) A statement that the medical director of the facility has full admitting privileges at a licensed hospital within approximately fifteen (15) minutes travel time and that he/she will assume responsibility for all facility patients requiring such follow-up care.
  - 3) A statement that each staff physician, dentist, or podiatrist has admitting privileges in a licensed hospital within fifteen (15) minutes travel time of the facility.
- e) Written instructions shall be issued to all patients in accordance with the standards approved by the consulting committee of the ambulatory surgical treatment center and shall include the following:
  - 1) Symptoms of complications associated with procedures performed.
  - 2) Limitations and/or restrictions of activities of the patient.
  - 3) Specific telephone number to be used by the patient, at any time anytime, should any complication or question arise.
  - 4) A date for a follow-up or return visit after the performance of the surgical procedure, which shall be scheduled within six weeks.
- f) Patients shall be discharged only on the written signed order of a physician. The name, or relationship to the patient, of the person accompanying the patient upon discharge from the facility shall be noted in the patient's medical record.
- g) Information on availability of family planning services shall be

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provided, when desired by the patient, to all patients undergoing a pregnancy termination procedure. When, in the physician's opinion, it is in the best interests of the patient and with the patient's consent, family planning services may be initiated prior to the discharge of the patient.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART F: RECORDS AND REPORTS

## Section 205.620 Statistical Data

- a) Each ambulatory surgical treatment center shall collect, compile, and maintain the following clinical statistical data at the facility to be made available submit to the Department during a survey or inspection, or upon the Department's request clinical-statistical data-including the-following:
  - 1) the total number of surgical cases treated by the center;
  - 2) the number of each specific surgical procedure performed;
  - 3) the number and type of complications reported, including the specific procedure associated with each complication;
  - 4) the number of patients requiring transfer to a licensed hospital for treatment of complications. List the procedure performed and the complication that which prompted each transfer; and
  - 5) the number of deaths, including the specific procedure that was performed.
- b) This clinical statistical data shall be collected, compiled and maintained submitted-to-the-Department quarterly, with reports completed due no later than January 31, April 30, July 31 and October 31 for the preceding quarter.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC HEALTH

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Mobile Home Tiedown Code
- 2) Code Citation: 77 Ill. Adm. Code 870
- 3) Section Numbers: Proposed Action:  
870.30 Amendment
- C) Types of Professional Skills necessary for Compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The need for this rulemaking was not known to the Department at the time the most recent regulatory agenda was filed.

The full text of the proposed amendments is identical to emergency amendments that appear in this issue of the Illinois Register on page 2626.

- 4) Statutory Authority: Implementing and authorized by the Illinois Mobile Home Tiedown Act [210 ILCS 120].

- 5) A. Complete Description of the Subjects and Issues Involved: This rulemaking revises Section 870.30(d), which requires manufacturers of tiedown equipment to seek Department approval before the equipment may be placed into use in Illinois. The Section is being amended by changing the date by which current approval of equipment becomes void and new approval must be obtained from December 31, 1997 to December 31, 1998.

- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? Yes

- 7) Does this Rulemaking Contain an Automatic Repeal Date? No

- 8) Does this Rulemaking Contain any Incorporations by Reference? Yes

- 9) Are there any Other Proposed Amendments Pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking will not create or expand a state mandate on units of local government.

- 11) Time, place and manner in which interested persons may comment on this rulemaking: Interested persons may present their comments concerning this rulemaking by writing, within 45 days after this issue of the Illinois Register, to:

Gail M. DeVito  
Division of Governmental Affairs  
Illinois Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, Illinois 62761  
217/782-2043  
(E-mail: rules@idph.state.il.us)

- 12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses affected: None

B) Reporting, Bookkeeping or other procedures required for Compliance:  
None



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1) Heading of the Part: Lead Poisoning Prevention Code

2) Code Citation: 77 Ill. Adm. Code 845

3) Section Numbers: Proposed Action:  
 845.10 Amended  
 845.27 New  
 845.28 Amended  
 845.31 Amended

4) Statutory Authority: Authorized by and implementing the Lead Poisoning Prevention Act [410 ILCS 45].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking revises the licensing requirements for lead inspectors, risk assessors, workers, contractor/supervisors and contractors. New requirements for licensure include additional educational requirements for risk assessors and a Department-approved third party certification examination that must be taken in addition to the examination administered by the training course provider, within six months after the completion of a training course. Applicants for licensure also must have completed a training course within three years before the date of their application. The rulemaking includes new approval requirements that must be met by training course providers seeking Department approval. This rulemaking is being promulgated in compliance with regulations of the U.S. Environmental Protection Agency at 40 CFR 745.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? Yes

7) Does this Rulemaking Contain an Automatic Repeal Date? No

8) Does this Rulemaking Contain any Incorporations by Reference? Yes

9) Are there any Other Proposed Amendments Pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any state mandates on units of local government.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the *Illinois Register* to:

Gail M. DeVito  
 Division of Legal Services  
 Illinois Department of Public Health  
 535 West Jefferson, Fifth Floor  
 Springfield, Illinois 62761

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These rules may have an impact on small businesses. Small businesses commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses, Small Municipalities, and Not-For-Profit Corporations Affected: Lead abatement contractors and training course providers.

B) Reporting, Bookkeeping or Other Procedures Required for Compliance: Application procedures.

C) Types of Professional Skills Necessary for Compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on the 2 most recent regulatory agendas because: The need for the rulemaking was not apparent when the regulatory agenda was finalized.

The full text of the proposed amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER p: HAZARDOUS AND POISONOUS SUBSTANCES

PART 845  
LEAD POISONING PREVENTION CODE

|                |  |
|----------------|--|
| Section        | Definitions  |
| 845.10         | Incorporated Materials   |
| 845.12         | Lead Screening   |
| 845.15         | Reporting  |
| 845.20         | Provision of Data  |
| 845.21         | Laboratory Fees for Blood Lead Screening   |
| 845.23         | Case Follow-Up   |
| 845.25         | Inspection of Dwellings, Residential Buildings or Child Care Facilities  |
| 845.26         | Requirements for Lead Inspector, Risk Assessor, Worker, Contractor/Supervisor, and Contractor Licensing                                      |
| 845.27         | Approval of Training Program Providers   |
| 845.28         | <del>Worker-Contractor/Supervisor-and-Contractor-Bicensing</del>   |
| 845.29         | Safety Guidelines for Workers Removing or Covering Leaded Soil   |
| 845.30         | Mitigation or Abatement of Lead Hazards  |
| 845.31         | Lead Abatement Contractor Responsibilities   |
| 845.32         | Lead Contractor/Supervisor Responsibilities  |
| 845.33         | Dwellings Not Requiring Abatement or Mitigation  |
| 845.40         | Approval of Units of Local Government or Health Departments as Delegate Agencies to Administer and Enforce the Lead Poisoning Prevention Act |
| 845.50         | Permissible Limits of Lead in and about Dwellings, Residential Buildings or Child Care Facilities  |
| 845.60         | Placarding of Dwellings (Repealed)   |
| APPENDIX A     | Instructions for Childhood Blood Lead Poisoning Reporting System   |
| EXHIBIT A      | Instructions for Completing the Laboratory Based Report of Childhood Lead Poisoning  |
| EXHIBIT B      | Instructions for Submitting Follow-Up Data for Children With Blood Lead Levels > 15 mcg/dL   |
| EXHIBIT C      | Instructions for Reporting Information by Delegate Agencies on Environmental Inspection for Cases of 20 mcg/dL and Above (Repealed)          |
| APPENDIX B     | Testing for Lead in Paint by Portable X-Ray Fluorescence Lead in Paint Analyzer (XRF) (Repealed)   |
| APPENDIX C     | Diagrams of Building Components  |
| ILLUSTRATION A | Inspection Forms and Diagram of Building Components (Repealed)   |
| APPENDIX D     | Recommended Setup and Use of a Negative Pressure System  |
| ILLUSTRATION A | Examples of Negative Pressure Systems  |

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APPENDIX E Soil Sampling  
APPENDIX F Childhood Lead Risk Assessment Questionnaire  
APPENDIX G Information Agreement  
APPENDIX H Childhood Lead Poisoning Assessment and Screening Algorithm

AUTHORITY: Authorized by and implementing the Lead Poisoning Prevention Act [410 ILCS 45].

SOURCE: Adopted July 15, 1976; amended at 2 Ill. Reg. 43, effective October 23, 1978; rules repealed; new rules adopted and codified at 6 Ill. Reg. 14849, effective November 24, 1982; amended at 7 Ill. Reg. 7652, effective June 14, 1983; amended at 8 Ill. Reg. 8242, effective May 25, 1984; amended at 10 Ill. Reg. 5138, effective April 1, 1986; amended at 17 Ill. Reg. 1884, effective February 1, 1993; amended at 19 Ill. Reg. 238, effective December 31, 1994; amended at 21 Ill. Reg. 7444, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 14680, effective October 31, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: In this Part, superscript numbers or letters are denoted by parenthesis; subscript are denoted by brackets.

Section 845.10 Definitions

"Act" means the Lead Poisoning Prevention Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1301 et seq.) [410 ILCS 45].

"Assessment" means administration of the risk assessment questionnaire to the parent.

"Chemical Spot Test" means the use of sodium rhodizonate to obtain a qualitative determination of lead.

"Child" means a person under the age of 16.

"Child Care Facility" means any structure used by a child care provider licensed by the Department of Children and Family Services or public school structure frequented by children under 6 years of age. (Section 2 of the Act)

"Compliance Sampling" means the activity of taking dust wipe samples after completion of mitigation or abatement activities, for the purpose of determining compliance with the Department's standard for lead dust levels or horizontal surfaces of less than 200 micrograms per square foot.

"Confirmed blood lead level" means that an elevated blood lead level is confirmed by a venous blood lead test.

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"Defective Surface" means peeling, flaking, chalking, scaling or chipping paint; paint over crumbling, cracking or falling plaster or plaster with holes in it; paint over a defective or deteriorating substrate; or paint that is damaged or worn down in any manner such that a child can get paint from the damaged area.

"Delegate Agency" means a unit of local government or health department approved by the Department to carry out the provisions of the Lead Poisoning Prevention Act. (Section 2 of the Act)

"Department" means the Department of Public Health of the State of Illinois. (Section 2 of the Act)

"Director" means the Director of the Department of Public Health of the State of Illinois.

"Dwelling" means any structure all or part of which is designed or used for human habitation. (Section 2 of the Act)

"Elevated results" means a blood lead test result of 10 micrograms/deciliter or higher.

Encapsulant means any liquid applied product which covers, seals, or encapsulates a lead-based painted surface in a manner which is designed to reduce human exposure to lead.

"Exposed Surface" means any interior or exterior surface of a dwelling or residential building. (Section 2 of the Act)

"Health Care Provider" means any person providing health care services to children, who is authorized pursuant to the Clinical Laboratory Act to request the testing of specimens, but does not include dentists. "Health Care Provider" includes podiatrists and physicians other than those licensed to practice medicine in all its branches.

"HEPA Vacuum Equipment" means vacuuming equipment with a high efficiency particulate air filter capable of trapping and retaining 99.97 percent of particles greater than 0.3 micrometers in mass median aerodynamic equivalent diameter.

"Inspection" means a surface-by-surface investigation to determine the presence of lead-based paint and the provision of a report explaining the results of the investigations.

"Intact surface" means a surface with no loose, peeling, chipping or flaking paint. Intact surfaces that are painted must be free from crumbling, cracking or falling plaster and should not have any holes. Intact surfaces must not be damaged or worn down in any way that would

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make paint from the damaged area accessible to children.

"Lead Abatement" means any activity that will result in the removal of windows, walls, floors, ceilings or exterior surfaces which may result in the creation of a hazardous level of leaded chips, flakes, dust or any other form of leaded substance that can be ingested or inhaled during such activity.

"Lead Abatement Contractor/Supervisor" means any person employed by a lead abatement contractor and licensed by the Department to perform lead abatement and mitigation, and supervise lead abatement workers who perform lead abatement and mitigation.

"Lead Bearing Substance" means any dust on surfaces or in furniture or other nonpermanent elements of the dwelling and any paint or other surface coating material containing more than five-tenths of one percent (0.5%) lead by weight (calculated as lead metal) in the total nonvolatile content of liquid paint. The term "lead bearing substance" also includes lead bearing substances containing greater than one milligram per square centimeter or any lower standard for lead content in residential paint as may be established by federal law or regulation; or more than 1 milligram per square centimeter in the dried film of paint or previously applied substance; or object containing lead in excess of the amount specified in this part or a lower standard for lead as may be established by federal regulation. (Section 2 of the Act)

"Lead Hazard" means a lead bearing substance that poses an immediate health hazard to humans. (Section 2 of the Act)

"Lead Inspector" means an individual who has been trained by a Department approved training program to conduct inspections, sample for the presence of lead in dust and soil, and conduct abatement clearance testing.

"Lead Management Plan" means a written statement that describes how an intact surface with lead-based paint will be monitored to assure that, if the intact surface becomes defective, the defective surface will be abated or mitigated.

"Lead Mitigation" means the remediation of a lead hazard so that the lead bearing substance does not pose an immediate health hazard to humans. A lead hazard is deemed to have been mitigated if the surface that is the source of the lead hazard is no longer in a condition that produces a hazardous level of leaded chips, flakes, dust or any other form of leaded substances, that can be ingested or inhaled by humans; or if the leaded surface is accessible to children, the surface coating is covered or the access to the leaded surface by children is



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otherwise prevented.

*"Lead Poisoning"* means the conditions of having blood lead levels in excess of those considered safe under this Part (see "permissible limits") and federal rules and regulations. (Section 2 of the Act)

*"Lead Risk Assessor"* means an individual who has been trained by a Department approved training program to conduct risk assessments, sample for the presence of lead in dust and soil and conduct abatement clearance testing.

*"Local Health Department"* means the health department or board of health as recognized by the Department which has jurisdiction over the particular geographical area in which the person lives.

*"Major Lead Abatement or Mitigation"* means any abatement or mitigation activity that will result in the removal of windows, walls, floors, ceilings or exterior surfaces which may result in the creation of a hazardous level of leaded chips, flakes, dust or any other form of leaded substance that can be ingested or inhaled.

*"Notice"* means any written notification, as specified in this Part, to be issued by the Department or a delegate agency.

*"Occupant"* means any person who lives in a dwelling as defined in this Part.

*"Owner"* means any person, who alone, jointly or severally with others:

*Has legal title to any dwelling or residential building, with or without accompanying actual possession of the dwelling or residential building, or*

*Has charge, care or control of the dwelling or residential building as owner or agent of the owner, or as executor, administrator, trustee, or guardian of the estate of the owner.* (Section 2 of the Act)

*"Permissible limits"* for reporting purposes means a confirmed blood lead level (PbB) of less than 10 micrograms/deciliter (mcg/dL) of whole blood in a child under age 16 years, less than 10 mcg/dL for a pregnant or breast-feeding woman and less than 25 mcg/dL for all other persons.

*"Person"* means any one or more natural persons, legal entities, governmental bodies, or any combination.

*"Residential Building"* means any room, group of rooms, or other

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*interior areas of a structure designed or used for human habitation; common areas accessible by inhabitants; and the surrounding property or structures.* (Section 2 of the Act)

*"Risk Assessment"* means an on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards and the provision of a report, by the individual or the firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based paint hazards.

*"Screening"* means a blood lead testing by venous or capillary methodology.

*"STELLAR"* means the Systematic Tracking of Elevated Lead Levels and Remediation software developed and provided by the Centers for Disease Control and Prevention for local agencies to use in tracking lead poisoning cases.

*"Third Party Exam"* means that, in addition to training requirements and education and experience requirements, individuals seeking to become licensed as inspectors, risk assessors and contractors/supervisors are required to pass a third party exam in addition to the training course examination.

*"Training Hour"* means at least 50 minutes of actual teaching, including time devoted to lecture, learning activities, small group activities, demonstrations, evaluations, and/or hands-on experience.

*"Work Area"* means exterior areas where lead abatement activities are conducted.

*"Work Site"* means the room or rooms undergoing lead abatement activities in a single family dwelling or the room or rooms and common area of a residential building.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

# **Section 845.27 Requirements for Lead Inspector, Risk Assessor, Worker, Contractor/Supervisor, and Contractor Licensing**

a) To qualify for a license as a Lead Inspector, Risk Assessor, Worker, or Contractor/Supervisor, an applicant shall:

- 1) be at least 18 years of age;
- 2) complete the Department-approved initial training course for the discipline for which licensure is sought and pass the examination administered at the conclusion of the course. The course must have been taken within three years before date the Department

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received the application;

- 3) after August 1, 1998, an applicant for Lead Inspector, Risk Assessor or Contractor/Supervisor shall pass the Department-approved third party certification examination, within six months after the date on the course completion certificate, to be eligible for licensure in the disciplines of Lead Inspector, Risk Assessor or Contractor/Supervisor. An applicant may take the third party examination, a maximum of three times. A \$50 fee shall be assessed for each separate discipline examination, each time taken. Upon the applicant's successful completion of the third party examination, the Department shall issue the applicant a license in the appropriate discipline;
- 4) submit a recent 1" x 1" photograph of the applicant for proper identification of the licensee. The license shall not be issued without an identification photograph;
- 5) submit the appropriate completed application form provided by the Department;
- 6) submit the required license application fee. Employees of the Illinois Department of Public Health, a delegate agency, or a local health department shall be exempt from licensure and third party examination fees when such employees' licenses are used only for purposes related to employment at the above-mentioned agencies.
- b) Reciprocity. Each applicant for licensure who is licensed or certified in any of the disciplines specified in this Section in another state may request reciprocal licensure. The Department shall evaluate the requirements for licensure in such other state and shall issue the license if the Department determines that the requirements for licensure in such other state are as protective of health as the requirements for licensure in Illinois. Each applicant for licensure pursuant to this Section shall submit the appropriate application accompanied by the fee for each discipline as specified in subsection (e), (f), (g), (h) or (i) of this Section.
- c) Expiration Date. Lead Inspector and Risk Assessor licenses expire January 31 each year, except that a first-time license issued after October 31 and before February 1 shall expire the following January 31. Lead Worker and Lead Contractor/Supervisor licenses expire March 31 of each year, except that a first-time license issued after December 31 and before April 1 shall expire the following March 31. Contractor licenses expire May 31 of each year.
- d) Renewal of License. Any license issued pursuant to this Part may be renewed if the licensee submits the completed application, nonrefundable fee, 1" x 1" photo and a certificate of completion from a Department-approved one day (8 hour) refresher course. The course must have been taken within three years before the date the Department received the renewal application. If a renewal application is received after January 1 for a Lead Inspector or Risk Assessor license or after March 1 for a Lead Worker or a Contractor/Supervisor license,

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the applicant shall pay a nonrefundable late fee of \$15 in addition to the renewal fee. An applicant whose license has been expired for a period less than three years may apply to the Department for reinstatement of his license. The Department shall issue such reinstated license provided the applicant pays to the Department all lapsed license fees and a reinstatement fee of \$15. A license which has been expired for more than three years may be restored only by submitting a new application with a current certificate of completion from a Department-approved initial training course that has been completed within the last three years.

- e) Risk Assessor License Requirements. To qualify for licensure as a Risk Assessor, a person shall:
  - i) Submit a \$100 non-refundable application fee. After August 1, 1998, an additional \$50 fee will be required for the third party examination specified in subsection (i) of this Section.
  - 2) Prior to April 1, 1998, to qualify for a Risk Assessor license, a person shall:
    - A) comply with subsections (a)(1) through (6) and (e)(1) of this Section, and
    - B) submit an initial Lead Inspector certificate and initial Risk Assessor certificate or submit an initial Risk Assessor certificate and be a currently Illinois licensed Lead Inspector.
  - 3) After March 31, 1998, to qualify for licensure as a Risk Assessor, a person shall:
    - A) comply with subsections (a)(1) through (6) and (e)(1) of this Section, and
    - B) submit an initial Lead Inspector certificate and an initial Risk Assessor certificate or submit an initial Risk Assessor certificate, be a currently licensed Lead Inspector, and possess, at a minimum, one of the following combinations of education and experience:
      - i) A bachelor's degree in science, engineering, or environmental health;
      - ii) A bachelor's degree in any discipline and one year of experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction);
      - iii) An associate's degree in any discipline and two years of experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction);
    - iv) Be licensed as an industrial hygienist, professional engineer, architect or environmental health practitioner; or
    - v) A high school diploma (or equivalent), and at least three years of experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction).



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- f) Lead Inspector License Requirements. To qualify for licensure as a Lead Inspector, a person shall:
- 1) submit a \$100 non-refundable application fee. After August 1, 1998 an additional \$50 fee will be required for the third party examination specified in subsection (i) of this Section.
  - 2) submit a certificate from an initial three-day, Department-approved lead inspector training course, which must have been taken within three years before the date the Department received the application.
- g) Lead Worker License Requirements. To qualify for a license as a Lead Worker, a person shall:
- 1) submit a \$25 non-refundable application fee.
  - 2) submit a certificate from a Department-approved initial lead worker course that must have been taken within three years before the date the Department received the application.
- h) Contractor/Supervisor License Requirements. To qualify for licensure as a Contractor/Supervisor, a person shall:
- 1) submit a \$50 non-refundable application fee. After August 1, 1998, submit an additional \$50 fee for the third party examination specified in subsection (i) of this Section.
  - 2) submit a certificate from an initial Department-approved Contractor/Supervisor course that must have been completed within three years before the date the Department received the application.
  - 3) after March 31, 1998, an applicant for a Contractor/Supervisor license must also meet experience requirements as follows:
    - A) One year of experience as a certified lead-based paint abatement worker; or
    - B) Two years of experience in a related field (e.g., lead, asbestos, or environmental remediation work) or in the building trades.
- i) After August 1, 1998, applicants for Lead Inspector, Risk Assessor and Contractor/Supervisor licenses are required to take a third party examination.
- 1) To qualify to take the third party examination an applicant shall:
    - A) Comply with the requirements of subsections (a)(1), (2), (4) and (5) of this Section for the appropriate discipline.
    - B) Submit a completed third party examination application form provided by the Department.
    - C) submit a \$50 non-refundable third party examination application fee for each separate discipline examination.
  - 2) The Department shall provide, by mail, the following to applicants who qualify to take the third party examination:
    - A) date, time, and location for the applicant to take the third party examination; and
    - B) a detailed information packet, instructions for registration at the examination site, and directions to the facility

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- where the examination is being administered.
- 3) When an applicant receives a passing score on the third party examination, the Department shall issue the license to the applicant in the discipline for which the applicant qualifies.
  - 4) If the applicant does not pass the third party examination, the Department will notify the applicant, who may reapply to the Department to take the third party examination again. An applicant may take the third party examination no more than three times within six months after receiving a course completion certificate. If an applicant does not pass the third party examination within six months after receiving a course completion certificate, the applicant must retake the initial training course from an approved training course provider before reapplying for licensure and approval to take the third party examination.
- j) Lead Abatement Contractor License Requirements.
- 1) To qualify for licensure as a Lead Abatement Contractor, a person shall:
    - A) submit a completed application on a form provided by the Department;
    - B) submit a \$500 non-refundable licensure fee or, for applications received on or after December 1, a \$250 non-refundable licensure fee for a six month license;
    - C) submit a certificate of financial responsibility documenting that the contractor carries liability insurance, self insurance, group insurance, group self insurance, a letter of credit, or a bond in the amount of at least \$250,000 for work performed pursuant to the Lead Poisoning Prevention Act and this Part. The contractor shall notify the Department of any changes in the status of the certificate of financial responsibility, including expiration, renewal or alteration of the terms of the certificate. The certificate of financial responsibility shall be an original and shall expressly provide coverage for lead abatement. A photocopy or facsimile copy is not acceptable. The certificate shall be issued by an insurance company that is authorized to transact business in Illinois. A current certificate of insurance shall be on file with the Department at all times; submit the name of the person with a valid Illinois Contractor/Supervisor's license. Such license must be held by either the Contractor or an employee of the Contractor;
    - E) submit a written statement signed by the Contractor specifying that only Lead Workers licensed by the Department will be employed for lead abatement;
    - F) submit a copy of the Contractor's written standard operating procedures and employee protection plan, which shall include specific references to medical monitoring and respirator training programs required in OSHA regulations at 29 CFR



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1910.1001 and 29 CFR 1926.62 (1993):

G) submit a description of all legal proceedings, lawsuits or claims which have been filed or levied against the Contractor or any of his/her past or present employees or companies in regard to construction-related activities. If there are no claims as specified in this subsection (j)(1)(G) against the Contractor then a signed statement to that effect shall be submitted to the Department.

2) Reciprocity. An applicant for a Contractor's license who is licensed or certified for lead contracting in another state may request reciprocal licensure. The Department shall evaluate the requirements for licensure in such other state and shall issue the license, if the Department determines that the requirements for licensure in such other state are equal to the requirements for licensure in Illinois. Each applicant for licensure pursuant to this subsection (j)(2) shall submit a one time non-refundable application fee of \$250 and an additional \$500 non-refundable license fee if qualified for licensure.

3) Renewal of License. All Contractor licenses shall be renewed annually. All licenses shall expire on May 31 of each year. If a renewal application is received after April 30, the applicant shall pay a non-refundable late fee of \$100, in addition to the \$500 non-refundable renewal fee. An applicant whose license has expired for a period of three years or less may apply to the Department for reinstatement of the license. The license shall be reinstated if the applicant submits to the Department all the lapsed license fees and a reinstatement fee of \$100. A license which has expired for more than three years is not eligible for renewal. In such instances, the formerly licensed individual desiring to be licensed shall follow the application procedures specified in subsection (j)(1)(A) through (G) of this Section.

k) Denial of Application, and Suspension or Revocation of License.

1) The Director of Public Health, after notice and opportunity for hearing, may deny the application for, or suspend or revoke the license of, a Lead Abatement Contractor, Contractor/Supervisor, Worker, Lead Risk Assessor, or Inspector in any case in which the Director of Public Health finds substantial or continued failure to comply with this Part.

2) Such notice shall be made by certified mail or by personal service and shall set forth the particular reasons for the proposed action and provide the applicant or licensee with an opportunity to request a hearing. If a written hearing request is not received within 15 days after receipt of the notice by the applicant or licensee, the right to a hearing is waived.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 845.28 Approval of Training Program Providers Lead--Inspector--Risk Assessor--Worker--Contractor/Supervisor--and-Contractor-Licensing**

a) Requirements for Approval of All Training Programs.

1) To be approved as a training provider, a person shall submit to the Department information to confirm that the program provides:

A) Adequate facilities for classroom and field hands-on training;

B) A final examination for initial and refresher courses with criteria for pass/fail (at least 70% correct to pass);

C) An example of the certificate of course completion with name/address/phone number of the training course provider and student information (name, dates of course, and identification of pass/fail) which is submitted to the Department for each student after course completion;

D) Student and instructor manuals and a course agenda;

E) A class schedule, which shall be submitted to the Department prior to the start of each course.

2) The training program shall employ a training manager who:

A) has:

i) At least two years of experience, education, or training in teaching workers or adults; or

ii) A bachelor's degree or higher degree in building construction technology, engineering, industrial hygiene, safety, public health, education, business administration or program management or a related field; or

iii) Two years of experience in managing a training program specializing in environmental hazards; and

B) has demonstrated experience, education, or training in the construction industry including lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.

3) The training manager shall designate a qualified principal instructor for each course who has:

A) Demonstrated experience, education, or training in teaching workers or adults;

B) Successfully completed at least 16 hours of any Department-approved lead-specific training; and

C) Demonstrated experience, education, or training in lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.

4) The principal instructor shall be responsible for the organization of the course and oversight of the teaching of all course material. The training manager may designate guest instructors as needed to provide instruction specific to the lecture, hands-on activities, or work practice components of a

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## course.

- b) Requirements for Approval of Lead Inspector Training Programs. To obtain approval for a Lead Inspector training program, a person shall submit information to confirm that the program provides:
- 1) at least a three day course (equivalent to 24 hours of instruction), two days of which are dedicated to the topics specified in this subsection (b)(1), and 8 hours of hands-on instruction. Requirements ending in an asterisk (\*) indicate areas that require hands-on activities:
    - A) health effects of lead exposure;
    - B) requirements of regulations and standards established by the Department;
    - C) lead sampling techniques\*;
    - D) chemistry related to the lead abatement industry;
    - E) construction techniques;
    - F) inspection and clearance sampling techniques\*;
    - G) safety.
  - 2) The one day (8 hour) Lead Inspector refresher course content shall be the same as the course content specified in subsections (b)(1)(A) through (G) of this Section.
- c) Requirements for Approval of Risk Assessor Training Programs. To obtain approval for a Risk Assessor training program, a person shall submit information to confirm that the program provides:
- 1) At least a two day course (equivalent to 16 hours of instruction), with a minimum of 4 hours of hands-on instruction provided. Requirements ending in an asterisk (\*) indicate areas that require hands-on activities:
    - A) Assurance to the Department that a Lead Inspector training course certificate of completion is required of each applicant as a prerequisite for Risk Assessor training course attendance;
    - B) Role and responsibilities of the Risk Assessor;
    - C) Collection of background information to perform a risk assessment;
    - D) Sources of environmental lead contamination (paint, surface dust and soil, water, air, packaging, and food);
    - E) Visual inspection procedures for the purpose of identifying potential sources of lead-based paint hazards\*;
    - F) Lead hazard screening protocol;
    - G) Sampling for sources of lead exposure\*;
    - H) Interpretation of lead-based paint and other lead sampling results, including all applicable State and federal guidance pertaining to lead-based paint hazards (i.e., federal statutes and regulations)\*;
    - I) Development of hazard control options, the role of interim controls, and operations and maintenance activities to reduce lead-based paint hazards; and
    - J) Preparation of a final risk assessment report.

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- 2) The one day (8 hour) Lead Risk Assessor refresher course content shall be the same as the course content specified in subsections (c)(1)(B) through (J) of this Section.
- d) Requirements for Approval of Lead Worker Training Programs. In order to obtain approval for a Lead Worker training program a person shall submit information to confirm that the program provides:
- 1) at least a three-day course (equivalent to 24 hours) of instruction with a minimum of one day (8 hours) of hands-on training. Requirements ending in an asterisk (\*) indicate hands-on activities:
    - A) Role and responsibilities of a lead abatement worker;
    - B) History and health effects of lead exposure;
    - C) Background information on federal and State regulations;
    - D) Lead-based paint hazard recognition and control\*;
    - E) Personal protective equipment\*;
    - F) Safety problems;
    - G) Abatement methods and work problems, lead-based paint hazard reduction and restricted practices\*;
    - H) Decontamination, interior dust abatement methods\*;
    - I) Lead monitoring and tests;
    - J) Lead monitoring and tests; and
    - K) Hazard communications.
  - 2) The one day (8 hour) Lead Worker refresher course content shall be the same as the course content specified in subsections (d)(1)(A) through (K) of this Section.
- e) Requirements for Approval of Contractor/Supervisor Training Programs. To obtain approval for a Contractor/Supervisor training program, a person shall submit information to confirm that the program provides:
- 1) Prior to April 1, 1998, in addition to the three-day course in subsections (d)(1)(A) through (K) of this Section, a lead Contractor/Supervisor shall complete a lead Contractor/Supervisor supplemental course that shall consist of an additional eight hours (one day) of training, and shall pass the examination administered at the end of the course. The supplemental training course for lead Contractors/Supervisors shall be dedicated to the following topics:
    - A) Lead inspection;
    - B) Supervisory techniques;
    - C) Occupational Safety and Health Administration (OSHA) Lead Standard 1910.1025 and 29 CFR 1926.62 (1993); and
    - D) Department of Housing and Urban Development (HUD) Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (June 1995).
  - 2) After March 31, 1998, the Contractor/Supervisor course shall be at least a minimum of 32 training hours, with a minimum of 8 hours devoted to hands-on activities. Requirements ending in an asterisk (\*) indicate areas that require hands-on activities as an integral part of the course:



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- A) Role and responsibilities of a supervisor;  
 B) Background information on lead and its adverse health effects;  
 C) Background information on federal, State, and local regulations and guidance that pertain to lead-based abatement;  
 D) Liability and insurance issues relating to lead-based abatement;  
 E) Risk assessment and inspection report interpretation\*;  
 F) Development and implementation of an occupant protection plan and abatement report;  
 G) Lead-based paint hazard recognition and control\*;  
 H) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices\*;  
 I) Interior dust abatement/cleanup or lead-based paint hazard control and reduction methods\*;  
 J) Soil and exterior dust abatement or lead-based paint hazard control and reduction methods\*;  
 K) Clearance standards and testing;  
 L) Cleanup and waste disposal; and  
 M) Recordkeeping.
- 3) The one day (8 hour) lead Contractor/Supervisor refresher course content shall be the same as the course content specified in subsections (e)(2)(A) through (M) of this Section.
- f) Application Fees for Approval and Renewal of Lead Training Courses.
- 1) All lead training course approvals expire on October 15.
- 2) All initial lead training course approval application fees shall be \$200 per discipline and all lead refresher training course approval application fees shall be \$100 per discipline.
- 3) Applications for renewal of all lead training course approvals must be received by September 15 of each year. If the renewal application is received after September 15, a \$50 late fee shall be charged per course.
- 4) Application fees for all lead training courses, effective October 15, 1998, will be:
- A) Initial training course for all disciplines, \$500 per course;  
 B) Refresher training course for all disciplines, \$250 per course; and  
 C) Late fees for all disciplines, \$50 per course.
- g) Suspension, Revocation, or Denial of Training Courses. The Department may suspend, revoke or deny approval of any lead training course for any of the following reasons:
- 1) Misrepresentation of the contents of a training course to the Department and/or the student population;  
 2) Failure to submit required information or notifications;  
 3) Failure to maintain required records;  
 4) Falsified records, instructor qualifications, or other related

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- information or documentation;  
 5) Failure to comply with the training standards and requirements in this Section; or  
 6) Failure to comply with federal, State, or local lead-based paint statutes or regulations.
- a) A person shall be licensed by the Department prior to engaging in lead inspection and compliance sampling activities. After October 31, 1997, a person shall be licensed by the Department in accordance with subsection (g) of this Section prior to engaging in risk assessor activities. The Department shall issue a lead inspector's license to qualified applicants in order to qualify an applicant shall:
- 1) be at least 18 years of age;  
 2) attend a Department approved course in accordance with subsection (f) of this Section, and pass the examination administered at the conclusion of the course;  
 3) submit a recent 14 x 14 photograph of applicant for proper identification of the licensee. The license shall not be issued without an identification photograph;  
 4) attend a three-day Department approved course in accordance with subsection (f)(2) of this Section; and  
 5) submit to the Department the required fee.
- b) Application. Each person desiring licensure as a lead inspector or risk assessor shall make application to the Department on forms provided by the Department. Each application shall be accompanied by a \$100 nonrefundable fee and a certificate verifying satisfactory completion of a Department approved lead inspector training course within one year prior to application for a lead inspector license. In addition to the application requirements for a lead inspector's license, an application for the risk assessor's license shall include a \$100 nonrefundable fee and a certificate verifying satisfactory completion of a Department approved risk assessor training course within one year prior to application. Employees of the Illinois Department of Public Health, a delegate agency, or a local health department shall be exempt from licensure fees when such employees' licenses are used only for purposes related to employment at the above mentioned agencies.
- c) Reciprocity. Each applicant for licensure who is licensed or certified as a lead inspector or risk assessor in another state may request reciprocal licensure. The Department shall evaluate the requirements for licensure in such other state and shall issue the license if the Department determines that the requirements for licensure in such other state are equal to or greater than the requirements for licensure in Illinois. Each application for licensure pursuant to this Section shall submit an application accompanied by a nonrefundable fee of \$100.
- d) All licenses shall be renewed annually. All licenses shall expire on January 31 of each year, except licenses issued after October 31 and



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before February 1 shall expire on the next following January 31. The licensee shall be charged a nonrefundable fee of \$15 for the issuance of a duplicate license.

- e) **Renewal of license.** Any license issued pursuant to these rules may be renewed if the licensee submits the application and a \$100 nonrefundable fee as required by subsection (a)(5) of this Section and has a certificate of completion of a Department approved one-day (8 hour) lead inspector or risk assessor refresher course. The refresher course content shall be the same as that indicated in subsection (f) of this Section for the inspector's license or subsection (j) of this Section for the risk assessor's license. If a renewal application is received after January 17 the applicant shall pay a nonrefundable fee of \$15 in addition to the renewal fee of \$100. An applicant whose license has been expired for a period less than 2 years may apply to the Department for reinstatement of his license. The Department shall issue such renewed license provided the applicant pays to the Department all lapsed license fees plus a reinstatement fee of \$15. A license which has been expired for more than 2 years may be restored only by submitting a new application as specified in subsection (b) of this Section and successfully passing an approved lead inspection training course for a lead inspector's license and the additional risk assessor training course for a risk assessor's license.

- f) **Approved Course Content.** All lead inspectors and risk assessors shall have taken a qualifying training course which meets the requirements set out in this subsection and shall have received a certificate of completion. A training course in lead inspection shall:
- 1) Receive approval from the Department; and
  - 2) Provide at least a three-day course (equivalent to 24 hours of instruction) for individuals without experience as required in this Section; two days of which are dedicated to the topics specified in subsections (f)(2)(e), (B), and (P) of this Section:

- A) health effects of lead exposure;
- B) requirements of regulations and standards established by the Department;
- C) lead sampling techniques;
- D) chemistry related to the lead abatement industry;
- E) construction techniques;
- F) inspection and clearance sampling techniques; and
- G) safety.

- g) The Department shall issue a risk assessor's license to qualified applicants in order to qualify an applicant shall:
- 1) Comply with the requirements for the lead inspector's license specified in subsections (a)(1) through (5) of this Section. The Department may approve a third party examination (except an examination required by Federal law under 40 CFR 745) for any license required by Section 845-28 for a lead abatement or mitigation service.

- 2) Attend a two-day Department approved risk assessor training

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course that covers the curriculum specified in subsection (i) of this Section;

- 3) Possess at a minimum one of the following combinations of education and experience:

- A) A bachelor's degree and one year of experience in a related field (e.g., lead asbestos, environmental remediation work or construction); or
- B) An Associate's degree and 2 years of experience in a related field (e.g., lead asbestos, environmental remediation work or construction); or
- C) Certification as an industrial hygienist, professional engineer, registered architect or certification in a related engineering/health/environmental field (e.g., safety professional, environmental scientist); or
- D) A high school diploma (or equivalent) and at least three years of experience in a related field (e.g., lead asbestos, or environmental remediation work).

- h) A training course in lead risk assessment shall receive approval from the Department when the following criteria have been met:

- 1) A training manager who is responsible for compliance with all requirements in this Section has been designated;
- 2) A principal instructor has been designated;
- 3) The responsibilities of the training manager and principal instructor are described;
- 4) Documentation of the qualifications of the training manager and principal instructor is provided;
- 5) Adequate facilities for classroom and field hands-on training are specified;

- 6) A minimum of 16 hours in not less than two days with a minimum of 4 hours of hands-on instruction are provided;

- 7) A final exam with criteria for pass/fail is administered;

- 8) A model of the certificate of course completion with name/address/phone number of the training course provider and student information (inner social security number, date of course, and indication of pass/fail) is submitted to the Department for each student after course completion;

- 9) A quality control plan to improve the course is provided;

- 10) Copies of student and instructor manuals and course agenda are included;

- 11) A class schedule is included;

- 12) Assurance to the Department that a lead inspector training course certificate of completion is required of each applicant as a prerequisite for risk assessor training course attendance;

- 13) The required application fee as specified in subsection (i) of this Section has been received by the Department;

- i) The curriculum for the risk assessor training course shall include the following:

- 1) Role and responsibilities of the risk assessor;

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- 2) Collection--of--background--information--to--perform--a--risk assessment;
- 3) Sources-of-environmental-lead-contamination--paint--surface--dust and-soil--water--air--packaging--and--food;
- 4) Visual-inspection-procedures--for--the--purpose--of--identifying potential-sources-of-lead-based-paint-hazards;
- 5) Lead-hazard-screening-protocol;
- 6) Sampling-for-sources-of-lead-exposure;
- 7) Interpretation-of--lead-based-paint--and--other--lead--sampling results--including--all--applicable--State--and--federal--guidance pertaining--to--lead-based-paint-hazards--(i.e., federal statutes and-regulations);
- 8) Development-of--hazard-control-options--the--role--of--interim controls--and--operations--and--maintenance-activities--to-reduce lead-based-paint-hazards--and
- 9) Preparation-of-a-final-risk-assessment-report.
- 10) A-refresher-training-course-in-risk-assessment--shall-receive--approval from-the-Department-when-the-following-criteria-have-been-met:
- 1) Cover--the--same-topics--as--the--full-length-course-specified-in subsection-(f)-of-this-section--plus--current--safety--practices, current-laws-and-regulations--and--current-technologies;
- 2) Be-at-least-8-hours-long;
- 3) Provide-a-hands-on-assessment-and-a-course-test;
- 4) Apply--concurrently--for-approval-with-the-initial-lead-inspector course--or
- 5) Submit-the-information-contained-in-subsection-(f)(4)--through (f)(5)--except--(6)--of-this-section-in-a-written-application-to-the Department;
- 6) Suspension,revocation-or-denial-of-training-course--the-Department may-suspend, revoke-or-deny-approval-of-any-lead-training-course--for the-following-reasons:
- 1) Misrepresentation-of--the--contents--of-a-training-course-to-the Department-and/or-the-student-population;
- 2) Failure-to-submit-required-information-or-notifications--in-a timely-manner;
- 3) Failure-to-maintain-required-records;
- 4) Falsified-records-by-instructor--qualifications--or-other-related information-or-documentation;
- 5) Failure-to-comply-with-the-training-standards-and-requirements-in this-Section;
- 6) Failure-to-comply-with-federal, State, or local lead-based-paint statutes-or-regulations.
- 11) Application-fee-for-approval-and-renewal-of-lead-training-courses:
- 1) All-current-Department-approved-lead-training-courses--will-expire on-October-15--1997.
- 2) After--October-15--1997--all--initial-lead-training-course application-fees--will--be--\$200-per-descriptor--and--all-lead refresher-training-course-application-fees--will--be--\$100-per

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- discipline:
- 3) Approvals-for-lead-training-courses--shall-be-issued-for-one-year. Applications-for-renewal-of-all-lead-training-courses--must--be received--with--fees--by--September-15--of--each-year--if--the renewal-application-is-received-after-September-15--a--\$50-late fee--shall-be-charged-for-each-late-training-course-application.
- 4) Application-fees-for-all-lead-training-courses-effective-October 15--1997--will-be:
- A) Initial-training-course--for--all--disciplines--\$500-per course;
- B) Refresher-training-course--for--all--disciplines--\$250-per course;
- C) Late-fees-for-all-disciplines--\$50-per-course.
- 12) Lead-Worker-and-Contractor/Supervisor-biensing:--A--lead-worker--or lead--contractor/supervisor--shall-be-licensed-by-the-Department--prior to-engaging-in-lead-removal-or-attestation-activities--Such-licenses are-nontransferable-and-shall-be-available-at-the-lead-removal-attestation-attestations--primary--place--of--business--for--inspection--by--the Department-or-delegate-agency.
- 13) The-Department--shall-issue-a--lead-Worker--license--on--or--lead Contractor/Supervisor--license-to-qualified-applicants-who-comply-with the-requirements-of-subsections-(a)(1)-(3)--and-(5)-of-this-Section. In-addition, applicants-shall-attend-a-Department-approved-course--in accordance-with-subsections-(3)(2)(A)--through-(4)-of-this-Section--for a--lead-worker--and--subsections-(3)(3)--and-(4)-of-this-Section--for contractors/supervisors--and-shall-pass-the-examinations-administered at-the-conclusion-of-the-course.
- 14) Application--Each-person-desiring-licensure-as-a-lead-worker--or-lead contractor/supervisor--shall-make-application--to--the-Department--on forms--or--in-a-format-provided-by-the-Department--Each-application shall-be-accompanied-by-a-nonrefundable-fee-of-\$25--for-a--lead-Worker license--or--\$50--for-a--lead-Contractor/Supervisor--license--and-a certificate-verifying-completion--of--a-Department-approved-course within-one-year--prior--to-application--except-as-provided-in-the subsection--Employees-of-the-Department--a--delegate-agency--or--a local-health-department-shall-be-exempt-from-licensure-fees-when-such employees-licensure-is-used-only-for-purposes-related-to-employment--at the--above-mentioned--agencies--A-course-taken-after-1991-may-qualify an-applicant-for-licensure--provided-the-course-is-determined--by--the Department--to--be--substantively-equivalent--to-the-requirement-for approved-course-content-specified-in-subsection-(3)-of-this-Section. Only--Department-approved--training--courses--will--be--accepted--for application--for-licensure.
- 15) Reciprocity:--Each-applicant--for--licensure--who-is-licensed--or certified--as-a--lead-worker--or-lead-contractor/supervisor--in-another state-may-request-to-proceed-licensure--The-Department-shall-evaluate the-requirements-for-licensure-in-such-other-state-and-shall--issue-the license--if--the-Department--determines--that--the-requirements-for



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to-the-following-topics:  
A) History-of-head;  
B) Health-Effects-of-head-Exposure;  
C) Medical-Surveillance-of-head-Poisoned-Individuals;  
D) Legal-Rights-and-Responsibilities;  
E) Personal-Protective-Equipment;  
F) Safety-Problems;  
G) Abatement-Methods-and-Work-Problems;  
H) Bioremediation;  
I) Clean-up-and-Disposal-Procedures;  
J) Head-Monitoring-and-Tests;-and  
K) Hazard-Communication;  
3) In-addition-to-subsections-(a)-(2)-(A)-(through)-(K)-(of-this-Section)  
a---lead---contractor/supervisor---shall---complete---a---lead  
contractor/supervisor-supplemental-course-which-shall-consist-of  
an-additional-eight-hours-(one-day)-of-training-and-shall-pass  
the-examination-administered-at-the-conclusion-of-the-course.  
The-supplemental-training-course-for-lead-contractor/supervisors  
shall-be-dedicated-to-the-following-topics:  
A) Head-Inspection;  
B) Supervisory-Techniques;  
C) Occupational-Safety-and-Health-Administration--(OSHA)--Lead  
Standard-1910-1025-and-29-CFR-1926-62-(1993);  
D) Department-of-Housing-and-Urban-Development-(HUD)-Guidelines  
for-the-Evaluation-and-Control-of-Lead-Paint-Hazards  
in-Housing-(June-1995);  
E) The-Department-shall-prepare-and-maintain-a-list-of-licensed-lead  
abatement-contractors;  
F) Requirements-of-biennure---An-applicant-for-a-lead-abatement  
contractor-license-shall-submit-the-following-to-the-Department:  
A) an-application-on-a-form-or-in-a-format-provided-by-the  
Department;  
B) a-\$500-nonrefundable-licensure-fee-for-applications  
received-on-or-after-December-1-1995-a-\$350-nonrefundable  
licensure-fee;  
C) a-certificate-of-financial-responsibility-documenting-that  
the-contractor-carries-liability-insurance-self-insurance,  
group-insurance-or-group-self-insurance-a-letter-of-credit  
or-a-bond-in-the-amount-of-a-least-\$500,000-for-work  
performed-pursuant-to-the-head-poisoning-prevention-Act-and  
lead-poisoning-prevention-Code--the-contractor-shall-notify  
the-Department-of-any-changes-in-the-status-of-the  
certificate-of-financial-responsibility-including  
expiration-renewal-or-attestation-of-the-terms-of-the  
certificate--the-certificate-of-financial-responsibility  
shall-be-an-original-and-shall-expressly-provide-coverage  
for-lead-abatement--A-photocopy-or-facsimile-copy-is-not  
acceptable--The-certificate-shall-be-issued-by-an-insurance

licensure-in-such-other-state-are-equal-to-or-greater-than-the  
requirements-for-licensure-in-Illinois--Each-applicant-for-licensure  
pursuant-to-this-subsection-shall-submit-an-application-on-a-form-or  
in-a-format-provided-by-the-Department-accompanied-by-a-nonrefundable  
fee-of-\$55-for-a-head-Worker-license-and-\$50-for-a-head  
Supervisor/Contractor-license;  
g) Renewal-of-license---A-head-Worker-and-head-Contractor/Supervisor  
licenses-shall-be-renewed-annually--All-licenses-shall-expire-on  
March-31-of-each-year-except-licenses-issued-after-December-31-and  
before-April-1-shall-expire-on-the-next-following-March-31--Any  
current-license-issued-pursuant-to-this-Section-may-be-renewed-if-the  
licensee-submits-prior-to-March-17-a-renewal-application-on-forms-or  
in-a-format-provided-by-the-Department-a-nonrefundable-fee-of-\$55-for  
a-head-Worker-license-or-\$50-for-a-head-Contractor/Supervisor-license  
and-a-certificate-verifying-completion-within-one-year-prior-to  
application-for-renewal-of-a-Department-approved-one-day-(8-hour)  
lead-worker-or-lead-contractor/supervisor-refresher-course--The  
refresher-course-content-shall-be-the-same-as-that-indicated-in  
subsection-(f)(2)-(of-this-Section)-for-a-head-Worker-license-or  
subsections-(f)(2)-and-(3)-(of-this-Section)-for-a-head  
Contractor/Supervisor-license--If-a-renewal-application-is-received  
after-March-17-the-applicant-shall-pay-a-nonrefundable-fee-of  
\$157-in-addition-to-the-license-renewal-fee--An-applicant-whose  
license-has-been-expired-for-a-period-of-two-years-or-more-may-apply  
to-the-Department-for-reinstatement-of-his-license--The-applicant  
be-reinstated-if-the-applicant-submits-to-the-Department-a-certificate  
verifying-completion-of-the-required-type-and-number-of-refresher  
courses-for-the-license-category--all-lapsed-license-fees-and-a  
nonrefundable-reinstatement-fee-of-\$157--A-license-that-has-been  
expired-for-more-than-two-years-is-not-eligible-for-renewal--In-such  
instances-the-formerly-licensed-individual-desiring-to-become  
licensed-again-shall-follow-the-application-procedures-specified-in  
subsection-(f)-of-this-Section;  
h) Duplicate-license---A-duplicate-license-shall-be-issued-to-a-currently  
licensed-lead-worker-contractor/supervisor-on-a-contractor-upon  
submission-of-a-\$15-nonrefundable-duplicate-license-fee;  
i) Approved-Course-Content---All-lead-workers-or-lead  
contractor/supervisors-shall-have-taken-a-Department-approved-training  
course-which-meets-the-requirements-set-out-in-this-subsection-and  
shall-have-received-a-certificate-of-completion-upon-passing-the  
examination-administered-at-the-conclusion-of-the-course--A-training  
course-for-lead-workers-and-lead-contractor/supervisors-shall:  
1) Receive-approval-from-the-Department-and  
2) Provide-at-least-a-minimum-three-day-course-(equivalent-to-24  
hours)-for-the-instruction-of-individuals-who-desire-to-be  
licensed-as-lead-workers-and-a-four-day-course-(equivalent-to-32  
hours)-for-individuals-who-desire-to-become-licensed-as-lead  
contractor/supervisors--The-three-day-course-shall-be-dedicated



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company that is authorized to transact business in Illinois. A current certificate of insurance shall be on file with the Department at all times;

D) a copy of a valid Contractor/Supervisor's license issued to either the contractor or the contractor/supervisor employed by the contractor;

E) a written statement signed by the contractor specifying that only lead workers licensed by the Department will be employed for lead abatement;

F) a copy of the contractor's written standard operating procedures and employee protection plan, which shall include specific references to medical monitoring and respirator training programs required in 6516A regulations at 29-6000 1910-1001 and 29-6000 1926-62 (1991);

G) a description of all legal proceedings, lawsuits or claims which have been filed or levied against the contractor or any of his past or present employees or companies in regard to construction-related activities.

2) Reciprocity: An applicant for a contractor's license who is licensed or certified for lead contracting in another state may request reciprocal licensure. The Department shall evaluate the requirements for licensure in such other state and shall issue the license if the Department determines that the requirements for licensure in such other state are equal to the requirements for licensure in this State. Each applicant for licensure pursuant to this subsection shall submit a one-time application fee of \$200 nonrefundable and an additional \$500 nonrefundable license fee if qualified for licensure.

3) Renewal of license: All contractor licenses shall be renewed annually. All licenses shall expire on May 31 of each year. If a renewal application is received after April 10, the applicant shall pay a nonrefundable late fee of \$100, in addition to the \$500 nonrefundable renewal fee. An applicant whose license has expired for a period of three years or less may apply to the Department for reinstatement of the license. The license shall be reinstated if the applicant submits to the Department all lapsed license fees and a reinstatement fee of \$100. A license which has expired for more than three years is not eligible for renewal. In such instance, the formerly licensed individual desiring to be licensed shall follow the application procedures specified in subsection (1) of this Section.

u) Denial of application and suspension or revocation of license: If the Director after notice and opportunity for hearing may deny the application for or suspend or revoke the license of a lead abatement contractor, contractor/supervisor, worker, lead assessor or inspector in any case in which the Director finds substantial or continued failure to comply with this Part;

2) Such notice shall be made by certified mail or by personal

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service and shall set forth the particular reasons for the proposed action and provide the applicant or licensee with an opportunity to request a hearing. If a written hearing request is not received within 15 days after receipt of the notice by the applicant or licensee, the right to a hearing is waived.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 845.31 Lead Abatement Contractor Responsibilities

Licensed abatement contractors shall:

- Be fully knowledgeable of general renovation techniques, including lead-based paint (LBP) abatement;
- Train (or arrange for training of) workers and supervisors on engineering controls and good work practices relating to abatement and impressing upon them the importance of adherence to these controls and practices;
- Assure the safety of workers and preparing the worker protection plan; and
- Assure that all work is conducted in accordance with the Act and this Part; and
- Notify the Department at least 10 working days or 14 calendar days prior to commencement of any lead abatement or mitigation projects.

Notification shall be on a form provided by the Department or shall contain the same information required on the Department's form as follows:

- Contractor's name and license number;
- Date of project start time and end time;
- Location of project;
- Name, address, and phone number of owner of property being abated or mitigated.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Inspection Procedures for Special Education School Buses

2) Code Citation: 92 Ill. Adm. Code 445

3) Section Numbers: Proposed Action:

445.10 Amend  
445.25 New Section  
445.40 Amend  
445. Appendix A Amend  
445. Appendix B Amend

- 4) Statutory Authority: Implementing and authorized by Article VIII of the Illinois Vehicle Equipment Law [625 ILCS 5/Ch. 12, Art. VIII] and the Illinois Vehicle Inspection Law [625 ILCS 5/Ch. 13].

- 5) A complete description of the subjects and issues involved: By this Notice, the Department proposes to update, clarify and correct the Illinois school bus inspection procedures for special education school buses. The following details specific changes made to Sections in this Part.

Section 445.10 Purpose and Scope: The Department is adding a statutory citation which requires appropriate restraining or safety devices for persons with disabilities.

Section 445.25 Incorporation by Reference of Federal Regulations: The Department is adding a new Section to incorporate by reference federal standards as of October 1, 1996.

Section 445.40 Definitions: The Department is amending the definition of "school bus." The Department is also removing references to federal final rules which are now contained in the CFR.

Section 445. Appendix A Procedures for Type I Special Education School Buses: The Department is adding a requirement that optional passenger seat belts meet the bus body's manufacturer's specifications; is establishing criteria for condition of seat belts; and is amending rejection criteria for seat safety belts.

Section 445. Appendix B Procedures for Type II Special Education School Buses: The Department is clarifying the federal standard that requires seat belts on Type II school buses manufactured on or after April 1, 1977; is adding a requirement that optional passenger seat belts (on buses manufactured before April 1977) meet the bus body's manufacturer's specifications; is establishing criteria for condition of seat safety belts; and is amending rejection criteria for seat safety belts.

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- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed rule amendment contain incorporations by reference? Yes. These conform to Section 5-75(a) of the IAPA.

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This Part will affect units of local government that operate an Illinois Official Testing Station authorized to inspect school buses.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning these proposed amendments. Written submissions shall be filed with:

By U.S. Mail:

Ms. Cathy Allen  
Regulations Unit  
Illinois Department of Transportation  
Division of Traffic Safety  
P.O. Box 19212  
Springfield, Illinois 62794-9212  
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building  
3215 Executive Park Drive  
Commercial Vehicle Safety, 3rd Floor  
Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
2300 South Dirksen Parkway, Room 300  
Springfield IL 62764  
(217) 782-3215

Comments received within 45 days after the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

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12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: This Part affects small businesses that own or operate special education school buses. It will also affect small businesses that operate Illinois Official Testing Stations authorized to inspect school buses.

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: No additional skills are necessary for compliance with this Part.

13) Regulatory Agenda in which this rulemaking was summarized: July 1997

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION  
CHAPTER I: DEPARTMENT OF TRANSPORTATION  
SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)  
PART 445  
INSPECTION PROCEDURES FOR SPECIAL EDUCATION SCHOOL BUSES

|         |   |
|---------|---|
| Section | Purpose and Scope                                 |
| 445.10  | Application                                       |
| 445.20  | Incorporation by Reference of Federal Regulations |
| 445.25  | Standards of Construction                         |
| 445.30  | Definitions                                       |
| 445.40  |   |

|            |   |
|------------|---|
| APPENDIX A | Procedures for Type I Special Education School Buses  |
| APPENDIX B | Procedures for Type II Special Education School Buses |

AUTHORITY: Implementing and authorized by Article VIII of the Illinois Vehicle Equipment Law [625 ILCS 5/Ch. 12, Art. VIII] and the Illinois Vehicle Inspection Law [625 ILCS 5/Ch. 13].

SOURCE: Adopted at 19 Ill. Reg. 4503, effective March 13, 1995; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 445.10 Purpose and Scope

- a) Each school bus which is operated for transporting passengers who are persons with disabilities shall be equipped with an appropriate restraining or safety device for each such passenger. (Section 12-810 of the Illinois Vehicle Equipment Law)
- b) This Part prescribes the requirements of the Illinois Department of Transportation governing:
  - 1a) Implementation of Article VIII of the Illinois Vehicle Equipment Law [625 ILCS 5/Ch. 12, Art. VIII]; and
  - 2b) Inspection procedures for special education school buses.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 445.25 Incorporation by Reference of Federal Regulations

Whenever this Part refers to the Code of Federal Regulations and that reference incorporates the federal regulations by reference, the federal regulations incorporated shall be that which was effective as of October 1, 1996, not including any later amendments or editions. Copies of appropriate federal regulations are available for inspection at the Department's Commercial Vehicle Safety Section, 3215 Executive Park Drive, Springfield, Illinois 62703, (217) 785-1181.



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regular education program; the projected dates for initiation of services; anticipated duration of services; appropriate objective criteria and evaluation procedures; and a schedule for annual determination of short-term objectives. The following participants develop the child's IEP:

- 1) A representative of the local district, other than the child's teacher, who is authorized to commit services and who is qualified to provide or supervise the provision of special education.
- 2) The child's teacher.
- 3) One or both of the child's parents or guardians (if possible).
- 4) The child, where appropriate.
- 5) Other individuals at the discretion of the parent or local district.

"Manufacturer" - Unless otherwise indicated at the point of use, means the person or organization whose name follows "MANUFACTURED BY" or "MFD BY" on the federal and State certification label.

"Passenger" - Every occupant of the vehicle who is not the driver.

"Purchase Date" - Date when purchase transaction was completed, not when body or chassis was built.

"School Bus" -

Type I School Bus - A School Bus with gross vehicle weight rating of more than 10,000 pounds.

Type II School Bus - A School Bus with gross vehicle weight rating of 10,000 pounds or less. (Section 12-800 of the Illinois Vehicle Equipment Law)

Every motor vehicle, except as provided below, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12 or below in connection with any activity of such entity:

- Any public or private primary or secondary school;
- Any primary or secondary school operated by a religious institution; or
- Any public, private or religious nursery school.

This definition shall not include the following:

A bus operated by a public utility, municipal corporation or

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(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 445.40 Definitions

"Body"- Portion of vehicle that encloses the occupant and cargo spaces and separates those spaces from the chassis frame, engine compartment, driveline, and other chassis components, except certain chassis controls used by the driver.

"Body-on-Chassis" - Completed vehicle consisting of a passenger seating body mounted on a truck type chassis (or other separate chassis) so that the body and chassis are separate entities, although one may reinforce or brace the other.

"Bus" - Every motor vehicle, other than a commuter van, designed for carrying more than ten persons. (Section 1-107 of the Illinois Vehicle Code (the Code) [625 ILCS 5/1-107])

"Chassis" - Every frame or supportive element of a school bus that contains but is not limited to the axles, engine, drive train, steering components, and suspension which the body is attached to. (Section 1-110.1 of the Code)

"Code" - The Illinois Vehicle Code [625 ILCS 5].

"Commercial Vehicle Safety Section" (CVSS) - A section of the Bureau of Safety Programs of the Division of Traffic Safety of the Illinois Department of Transportation.

"Department" - The Department of Transportation of the State of Illinois, acting directly or through its authorized agents or officers. (Section 13-100 of the Code)

"Empty Weight" - Unloaded vehicle weight; i.e., the weight of a vehicle with maximum capacity of all fluids necessary for operation of the vehicle but without cargo or occupant.

"Federal Motor Vehicle Safety Standards" (FMVSS) - The rules, regulations and standards set forth in 49 CFR 571.

"Illinois Vehicle Equipment Law" - 625 ILCS 5/Ch. 12.

"Individualized Education Program (IEP)" - A written statement for an exceptional child that provides at least a statement of the child's present levels of educational performance; annual goals and short-term instructional objectives; specific special education and related services (includes transportation); the extent of participation in the

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common carrier authorized to conduct local or interurban transportation of passengers when such bus is not traveling a specific school bus route but is:

On a regularly scheduled route for the transportation of other fare paying passengers;

Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or

Being used for shuttle service between attendance centers or other educational facilities.

A motor vehicle of the first division. (Section 1-182--of--the Code)

A motor vehicle designed for the transportation of not less than 7 nor more than 16 persons that is operated by or for a public or private primary or secondary school, including any primary or secondary school operated by a religious institution, for the purpose of transporting not more than 15 students to and from interscholastic athletic or other interscholastic or school sponsored activities. (Section 1-182 of the Code)

"Seat Safety Belt" - Any strap, webbing, or similar device designed to secure a person in a motor vehicle in order to mitigate the results of any accident, including all necessary buckles and other fasteners, and all hardware designed for installing such seat belt assembly in a motor vehicle.

"Special Education School Buses" - Vehicles constructed to transport children with special needs which require the alteration of specific component requirements (i.e., ramps, lifts, wheelchair accommodations).

"Vehicle" -

First Division: Those motor vehicles which are designed for the carrying of not more than ten persons.

Second Division: Those vehicles which are designed for carrying more than ten persons, those designed or used for living quarters and those vehicles which are designed for pulling or carrying property, freight or cargo, those motor vehicles of the First Division remodeled for use and used as motor vehicles of the Second Division, and those motor vehicles of the First Division used and registered as school buses. (Section 1-217 of the Code)

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"Wheelchair Occupant Restraints" - Any strap, webbing or similar device designed to secure a person in a wheelchair in order to mitigate the results of any accident, including all necessary buckles and other fasteners, and all hardware designed for installing such restraint in a school bus.

"Wheelchair Securement Anchorages" - The provision for transferring wheelchair securement loads to the vehicle structure. Commonly referred to as fastening devices. (49 CFR 571.222 58-PR-45867-January 157-1993)

"Wheelchair Securement Device" - A strap, webbing or other device used for securing a wheelchair to the school bus, including all necessary buckles and other fasteners. (49 CFR 571.222 58-PR-45867-January 157-1993)

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 445.APPENDIX A Procedures for Type I Special Education School Buses**

Generally, a school bus used for transporting children declared eligible for special transportation services shall comply with the applicable minimum standards for either a Type I school bus (see 92 Ill. Adm. Code 440) or a Type II school bus (see 92 Ill. Adm. Code 442). However, due to the nature of certain challenging conditions, vehicles utilized for special education transportation shall be adapted to the specific needs of the children receiving this service. These needs may require modification of the minimum standards. Equipment necessary for the transportation of special education students must be resolved in the student's Individualized Education Program.

The interior design of these vehicles will not be a cause for rejection provided an approval, issued by the Department, is presented to the Certified Safety Tester at the time of inspection.

## a) Grab Handles

**PROCEDURES/SPECIFICATIONS:**

Grab handles shall be provided on each side of front right service door only when this door is used for entry and exit of children.

**REJECT VEHICLE IF:**

Grab handles are not securely attached; do not meet requirements or are missing.

## b) Lifts and Ramps

**PROCEDURES/SPECIFICATIONS:**

Floor of ramp or lift shall be covered with nonskid material.

Protection against dust and water sufficient to ensure reliable operation must be present.

**REJECT VEHICLE IF:**

Lifts and ramps do not operate properly or do not meet requirements.

## 1) Power Lift

**PROCEDURES/SPECIFICATIONS:**

If power lift is used, it shall be of sufficient capacity and dimension to lift maximum imposed load, lift at top and bottom travel limits shall provide easy entrance and exit from the lift.

If electricity is used, the alternator or generator and battery must be of increased capacity.

Controls shall be operable from both interior and exterior of vehicle.

Device shall be installed which will be used to prevent operation of lift until doors are opened.

In travel position, the lift must be in its uppermost position and securely fastened.

Vehicles of less than 54-passenger capacity constructed for transportation of handicapped children may have the fuel tank located behind rear wheels, inside or outside chassis frame, with fill pipe located on right side of body.

**REJECT VEHICLE IF:**

Power lift does not operate properly or does not meet requirements.

## 2) Ramp

**PROCEDURES/SPECIFICATIONS:**

Ramp shall be of sufficient strength and rigidity to support the imposed load. Shall be equipped with protective flange on each longitudinal side to keep wheelchair on ramp.

Ramp shall be equipped with handle, or handles, and be of sufficient weight to permit one person to put ramp in place and return to storage place.

Ramp shall be connected to bus at floor level in such manner as to permit easy access of wheelchair to floor of bus.

Ramp length shall be sufficient for easy entry and exit.

**REJECT VEHICLE IF:**

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Ramp does not operate properly; does not meet requirements.

- c) Over Center  
Door  
Control

PROCEDURES/SPECIFICATIONS:

Over center door control shall be provided only when this door is used for entry and exit of children.

REJECT VEHICLE IF:

If installed, does not operate properly. Does not meet requirements. Missing when required.

- d) Seat Safety  
Belts

PROCEDURES/SPECIFICATIONS:

Passenger seats may be equipped with adjustable seat safety belts. All seat safety belts must be installed to meet the bus body's manufacturer's specifications.

Each seat safety belt shall be readily available for quick and easy use. All retractors installed shall be the automatic locking type. Each belt assembly shall be clean. ~~Seat safety belts may be installed if they are securely fastened to the seat or the floor of the vehicle.~~

Special education school buses may be equipped with passenger seats that do not have guard barriers installed in front of them. These passenger seats are to be used only by student's aids and must be equipped with seat safety belts at each location used by an aid. The school bus driver must present a letter from the Commercial Vehicle Safety Section approving this exception.

REJECT VEHICLE IF:

If installed, seat safety belts do not meet requirements. ~~are not securely fastened to the seat or the floor of the vehicle.~~

Barrier is not present in front of aids' seat and no seat safety belts are provided. No letter of exception provided.

- e) Special  
Light

PROCEDURES/SPECIFICATIONS:

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Light shall be placed inside bus over special service door opening, or at other location if shielded to prevent glare. The lamp shall illuminate the floor inside the opening and shall be operated from door area.

REJECT VEHICLE IF:

Special light does not operate properly; does not meet requirements or is missing.

- f) Special  
Service  
Door

PROCEDURES/SPECIFICATIONS:

A special door opening may be located on right side of bus far enough to rear to prevent door, when open, from obstructing front right service door. Door opening shall be adequate to accommodate wheel chairs.

Door shall be equipped with device that will actuate audible or visible signal, located in driver's compartment, when special service door is not securely closed.

Each door shall contain a fixed or movable window aligned with and of same size (as nearly as practicable) as other windows on right side of bus.

Each door panel shall open outward and a positive fastening device shall be installed to hold door in open position. When the special service door is completely open for loading and unloading passengers with special needs and being held by the fastening device, the audible alarm can be deactivated.

Door panels shall be constructed to be equivalent in strength and materials to other school bus doors.

Door posts and headers shall be reinforced sufficiently to provide support and strength equivalent to area of side of bus not used for service doors. Outriggers from chassis shall be installed at front and rear of door openings to support floor with same strength as other floor portions.

Bi-parting doors must meet the following requirements:

Bi-parting doors shall be made of two panels of approximately equal width. They shall be hinged to side of bus and each panel shall open outward. Forward panels

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shall be provided with overlapping flange to close space where door panels meet and weather seal shall be provided to close all door edges.

Bi-parting doors shall be equipped with at least one-point fastening device on rear panel to floor or header and at least two-point fastening device to floor and header on forward door panel, both manually operated.

Sliding doors are acceptable provided they meet manufacturer's specifications.

REJECT VEHICLE IF:

Special service door does not operate properly; does not meet requirements; audible or visible alarm does not work or is missing.

Bi-parting or sliding doors do not operate properly. Does not meet requirements. Door does not seal properly. Weather seal is cracked or missing.

g) Wheelchair  
Occupant  
Restraints

PROCEDURES/SPECIFICATIONS:

1) For buses manufactured prior to January 17, appropriate and adequate wheelchair occupant restraints must be installed at each wheelchair location which transports a student in a wheelchair. The restraints must be securely anchored to the wheelchair or the floor of the vehicle.

2) For buses manufactured on or after January 17, 1994, each wheelchair location which transports a student in a wheelchair must be equipped with:

- A) Not less than one anchorage for the upper end of the upper torso restraint;
- B) Not less than two floor anchorages for wheelchair occupant pelvic and upper torso restraint; and
- C) Wheelchair occupant pelvic and upper torso restraints. (49 CFR 571.222 50-PR

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45067--January-157-1993)

REJECT VEHICLE IF:

Wheelchair occupant restraints do not meet requirements.

h) Wheelchair  
Securement  
Anchorages

PROCEDURES/SPECIFICATIONS:

In buses manufactured prior to January 17, 1994, positive wheelchair securement anchorages shall be provided and attached to the floor, walls, or both, that will securely hold wheelchair in position in bus.

In buses manufactured on or after January 17, 1994, each wheelchair location must be equipped with equipped wheelchair securement anchorages. Additional securement anchorages which allow other than equipped orientation can be added to a wheelchair location provided the equipped anchorages are not altered and the additional anchorages meet the same standards as the existing fastening devices. (49 CFR 571.222 50-PR-45067--January-157-1993)

In buses manufactured on or after January 17, 1994, each wheelchair location must be equipped with two wheelchair securement anchorages in the rear and two anchorages in the front. Each securement device must be either of webbing or strap and provide means of adjustment or of a design that provides limited movement. (49 CFR 571.222 50-PR-45067--January-157-1993)

REJECT VEHICLE IF:

In buses manufactured prior to January 17, 1994, wheelchair securement anchorages securely do not hold wheelchair to floor, walls or both.

In buses manufactured on and after January 17, 1994:

- 1) Each wheelchair location is not equipped with equipped wheelchair securement anchorages. Additional anchorages do not meet same standards as existing anchorages.
- 2) Wheelchair securement anchorages do not meet requirements.

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(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENTS**Section 445.APPENDIX B Procedures for Type II Special Education School Buses**

Generally, a school bus used for transporting children declared eligible for special transportation services shall comply with the applicable minimum standards for either a Type I school bus (see 92 Ill. Adm. Code 440) or a Type II school bus (see 92 Ill. Adm. Code 442). However, due to the nature of certain challenging conditions, vehicles utilized for special education transportation shall be adapted to the specific needs of the children receiving this service. These needs may require modification of the minimum standards. Equipment necessary for the transportation of special education students must be resolved in the student's Individualized Education Program.

The interior design of these vehicles will not be a cause for rejection provided an approval, issued by the Department, is presented to the Certified Safety Tester at the time of inspection.

a) Grab  
Handles

PROCEDURES/SPECIFICATIONS:

Grab handles shall be provided on each side of front right service door only when this door is used for entry and exit of children.

REJECT VEHICLE IF:

Grab handles are not securely attached, do not meet requirements or are missing.

b) Lifts and  
Ramps

PROCEDURES/SPECIFICATIONS:

Floor of ramp or lift shall be covered with nonskid material.

Protection against dust and water sufficient to ensure reliable operation must be present.

REJECT VEHICLE IF:

Lifts and ramps do not operate properly or do not meet requirements.

1) Power Lift

PROCEDURES/SPECIFICATIONS:



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If power lift is used, it shall be of sufficient capacity and dimension to lift maximum imposed load, lift at top and bottom travel limits shall provide easy entrance and exit from the lift.

If electricity is used, the alternator or generator and battery must be of increased capacity.

Controls shall be operable from both interior and exterior of vehicle.

Device shall be installed which will be used to prevent operation of lift until doors are opened.

In travel position, the lift must be in its uppermost position and securely fastened.

Vehicles of less than 54-passenger capacity constructed for transportation of handicapped children may have the fuel tank located behind rear wheels, inside or outside chassis frame, with fill pipe located on right side of body.

REJECT VEHICLE IF:

Power lift does not operate properly or does not meet requirements.

## 2) Ramp

PROCEDURES/SPECIFICATIONS:

Ramp shall be of sufficient strength and rigidity to support the imposed load. Shall be equipped with protective flange on each longitudinal side to keep wheelchair on ramp.

Ramp shall be equipped with handle, or handles, and be of sufficient weight to permit one person to put ramp in place and return to storage place.

Ramp shall be connected to bus at floor level in such manner as to permit easy access of wheelchair to floor of bus.

Ramp length shall be sufficient for easy entry and exit.

REJECT VEHICLE IF:

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Ramp does not operate properly or does not meet requirements.

## c) Over Center Door Control

PROCEDURES/SPECIFICATIONS:

Over center door control shall be provided only when this door is used for entry and exit of children.

REJECT VEHICLE IF:

If installed, does not operate properly, does not meet requirements or is missing when required.

## d) Seat Safety Belts

PROCEDURES/SPECIFICATIONS:

In buses manufactured on or after April 1, 1977, seat safety belts are required at each designated seating position and must meet all applicable requirements of 749 CFR 571.208.

In buses manufactured prior to April 1, 1977, seat belts are optional. Optional seat safety belts must be installed to meet the bus body's manufacturer's specifications. ~~If safety-belts are installed, they must be securely fastened to the seat or the floor of the vehicle.~~

~~Each seat safety belt shall be readily available for quick and easy use. All retractors installed shall be the automatic locking type. Each belt assembly shall be clean.~~

Special education school buses may be equipped with passenger seats that do not have guard barriers installed in front of them. These passenger seats are to be used only by students' aids and must be equipped with seat safety belts at each seating location used by an aid. The school bus driver must present a letter from the Commercial Vehicle Safety Section approving this exception.

REJECT VEHICLE IF:

If installed, seat safety belts do not meet requirements. ~~are not securely fastened to the seat or the floor of the vehicle.~~

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Barrier is not present in front of aid's seat and no seat safety belt is provided. No letter of exception provided.

e) Special  
Light

PROCEDURES/SPECIFICATIONS:

Light shall be placed inside bus over special service door opening, or at other location if shielded to prevent glare. The lamp shall illuminate the floor inside the opening and shall be operated from door area.

REJECT VEHICLE IF:

Special light does not operate properly, does not meet requirements or is missing.

f) Special  
Service  
Door

PROCEDURES/SPECIFICATIONS:

A special door opening may be located on right side of bus far enough to rear to prevent door, when open, from obstructing front right service door. Door opening shall be adequate to accommodate wheel chairs.

Door shall be equipped with device that will actuate audible or visible signal, located in driver's compartment, when special service door is not securely closed.

Each door shall contain a fixed or movable window aligned with and of same size (as nearly as practicable) as other windows on right side of bus.

Each door panel shall open outward and a positive fastening device shall be installed to hold door in open position. When the special service door is completely open for loading and unloading passengers with special needs and being held by the fastening device the audible alarm can be deactivated.

Door panels shall be constructed to be equivalent in strength and materials to other school bus doors.

Door posts and headers shall be reinforced sufficiently to provide support and strength equivalent to area of side of bus not used for service doors. Outriggers from chassis shall be installed at front and rear of door openings to support floor with same strength as other floor portions.

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Bi-parting doors (if installed) must meet the following requirements:

Bi-parting doors shall be made of two panels of approximately equal width. They shall be hinged to side of bus and each panel shall open outward. Forward panels shall be provided with overlapping flange to close space where door panels meet and weather seal shall be provided to close all door edges.

Bi-parting doors shall be equipped with at least one-point fastening device on rear panel to floor or header and at least two-point fastening device to floor and header on forward door panel, both manually operated.

Sliding doors are acceptable provided they meet manufacturer's specifications.

REJECT VEHICLE IF:

Special service door does not operate properly. Does not meet requirements. Audible or visible alarm does not work or is missing.

Bi-parting or sliding doors do not operate properly or do not meet requirements. Door does not seal properly. Weather seal is cracked or missing.

PROCEDURES/SPECIFICATIONS:

1) For buses manufactured prior to January 17, 1994, appropriate and adequate wheelchair occupant restraints must be installed at each wheelchair location which transports a student in a wheelchair. The restraints must be securely anchored to the wheelchair or the floor of the vehicle.

2) For buses manufactured on or after January 17, 1994, each wheelchair location which transports a student in a wheelchair must be equipped with:

- A) Not less than one anchorage for the upper end of the upper torso restraint;
- B) Not less than two floor anchorages for

g) Wheelchair  
Occupant  
Restraints

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- wheelchair occupant pelvic and upper torso restraint; and
- C) Wheelchair occupant pelvic and upper torso restraints. (49 CFR 571.222 58-PR 45867--January-15--1993)
- anchors. Additional anchorages do not meet same standards as existing anchorages.
- 2) Wheelchair securement anchorages do not meet requirements.
- (Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

REJECT VEHICLE IF:

Wheelchair occupant restraints do not meet requirements.

h) Wheelchair Securement Anchorages

PROCEDURES/SPECIFICATIONS:

In buses manufactured prior to January 17, 1994, positive wheelchair securement anchorages shall be provided and attached to the floor, walls, or both, that will securely hold wheelchair in position in bus.

In buses manufactured on or after January 17, 1994, each wheelchair location must be equipped with equipped wheelchair securement anchorages. Additional securement anchorages which allow other than equipped orientation can be added to a wheelchair location provided the equipped anchorages are not altered and the additional anchorages meet the same standards as the existing fastening devices. (49 CFR 571.222 58-PR-45867--January-15--1993)

In buses manufactured on or after January 17, 1994, each wheelchair location must be equipped with two wheelchair securement anchorages in the rear and two anchorages in the front. Each securement device must be either of webbing or strap and provide means of adjustment or of a design that provides limited movement. (49 CFR 571.222 58-PR-45867 January-15--1993)

REJECT VEHICLE IF:

In buses manufactured prior to January 17, 1994, wheelchair securement anchorages securely do not hold wheelchair to floor, walls or both.

In buses manufactured on and after January 17, 1994:

- 1) Each wheelchair location is not equipped with equipped wheelchair securement



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: Adopted Action:  
310. Appendix D Amended  
310. Appendix G Amended
- 4) Statutory Authority: Authorized by Section 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].
- 5) Effective Date of Amendment: January 14, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No  
These amendments do not contain any incorporations by reference.
- 8) Date filed in Agency's Principal Office: January 14, 1998
- 9) Notice of Proposal Published in Illinois Register: September 19, 1997;  
Issue #38; 21 Ill. Reg. 12803
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Difference between proposal and final version: As recommended by the Joint Committee on Administrative Rules, the new text was underlined.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace an emergency amendment currently in effect?  
Yes
- 14) Are there any amendments pending to this part? Yes

| Section Numbers | Proposed Action | Ill. Reg. Citation                        |
|-----------------|-----------------|---|
| 310.230         | Amended         | 21 Ill. Reg. 14648<br>(November 14, 1997) |
| 310.270         | Amended         | 21 Ill. Reg. 14648<br>(November 14, 1997) |
| 310.280         | Amended         | 21 Ill. Reg. 14648<br>(November 14, 1997) |

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendment: In Section 310. Appendices D and G, separate salary schedules were established for the Merit Compensation and Broad-Banded employees whose alternative retirement formula rates were not changed. The schedules reflect a 3% increase to the maximum salaries.
- 16) Information and questions regarding this adopted amendment shall be directed to:  
Michael Murphy  
Department of Central Management Services  
Division of Technical Services  
504 William G. Stratton Building  
Springfield, Illinois 62706  
217/782-5601

The full text of the Adopted Amendment(s) begins on the next page:

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

## SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND

## POSITION CLASSIFICATIONS

## CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310  
PAY PLAN

## SUBPART A: NARRATIVE

| Section |  |
|---------|--|
| 310.20  | Policy and Responsibilities  |
| 310.30  | Jurisdiction   |
| 310.40  | Pay Schedules  |
| 310.50  | Definitions  |
| 310.60  | Conversion of Base Salary to Pay Period Units  |
| 310.70  | Conversion of Base Salary to Daily or Hourly Equivalents                                     |
| 310.80  | Increases in Pay   |
| 310.90  | Decreases in Pay   |
| 310.100 | Other Pay Provisions   |
| 310.110 | Implementation of Pay Plan Changes for Fiscal Year 1998                                      |
| 310.120 | Interpretation and Application of Pay Plan   |
| 310.130 | Effective Date   |
| 310.140 | Reinstitution of Within Grade Salary Increases   |
| 310.150 | Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed) |

## SUBPART B: SCHEDULE OF RATES

| Section |  |
|---------|--|
| 310.205 | Introduction   |
| 310.210 | Prevailing Rate  |
| 310.220 | Negotiated Rate  |
| 310.230 | Part-Time Daily or Hourly Special Services Rate  |
| 310.240 | Hourly Rate  |
| 310.250 | Member, Patient and Inmate Rate  |
| 310.260 | Trainee Rate   |
| 310.270 | Legislated and Contracted Rate   |
| 310.280 | Designated Rate  |
| 310.290 | Out-of-State or Foreign Service Rate   |
| 310.300 | Educator Schedule for RC-063 and HR-010  |
| 310.310 | Physician Specialist Rate  |
| 310.320 | Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections |
| 310.330 | Excluded Classes Rate (Repealed)   |

## SUBPART C: MERIT COMPENSATION SYSTEM

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

| Section |  |
|---------|--|
| 310.410 | Jurisdiction   |
| 310.420 | Objectives   |
| 310.430 | Responsibilities   |
| 310.440 | Merit Compensation Salary Schedule   |
| 310.450 | Procedures for Determining Annual Merit Increases  |
| 310.455 | Intermittent Merit Increase  |
| 310.456 | Merit Zone (Repealed)  |
| 310.460 | Other Pay Increases  |
| 310.470 | Adjustment   |
| 310.480 | Decreases in Pay   |
| 310.490 | Other Pay Provisions   |
| 310.495 | Broad-Band Pay Range Classes   |
| 310.500 | Definitions  |
| 310.510 | Conversion of Base Salary to Pay Period Units  |
| 310.520 | Conversion of Base Salary to Daily or Hourly Equivalents                                     |
| 310.530 | Implementation   |
| 310.540 | Annual Merit Increase Guidechart for Fiscal Year 1998  |
| 310.550 | Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed) |

## APPENDIX A

| TABLE A  | Negotiated Rates of Pay   | State of |
|----------|---|----------|
| TABLE AA | HR-190 (Department of Central Management Services - SEIU) Illinois Building - SEIU) |          |
| TABLE B  | NR-916 (Department of Natural Resources, Teamsters)                                 |          |
| TABLE C  | HR-200 (Department of Labor - Chicago, Illinois - SEIU)                             |          |
| TABLE D  | RC-069 (Firefighters, AFSCME)   |          |
| TABLE E  | HR-001 (Teamsters Local #726)   |          |
| TABLE F  | RC-020 (Teamsters Local #330)   |          |
| TABLE G  | RC-019 (Teamsters Local #25)  |          |
| TABLE H  | RC-045 (Automotive Mechanics, IFPE)   |          |
| TABLE I  | RC-006 (Corrections Employees, AFSCME)  |          |
| TABLE J  | RC-009 (Institutional Employees, AFSCME)  |          |
| TABLE K  | RC-014 (Clerical Employees, AFSCME)   |          |
| TABLE L  | RC-023 (Registered Nurses, INA)   |          |
| TABLE M  | RC-008 (Boilermakers)   |          |
| TABLE N  | RC-110 (Conservation Police Lodge)  |          |
| TABLE O  | RC-010 (Professional Legal Unit, AFSCME)  |          |
| TABLE P  | RC-028 (Paraprofessional Human Services Employees, AFSCME)                          |          |
| TABLE Q  | RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)         |          |
| TABLE R  | RC-033 (Meat Inspectors, IFPE)  |          |
| TABLE S  | RC-042 (Residual Maintenance Workers, AFSCME)                                       |          |
| TABLE T  | HR-012 (Fair Employment Practices Employees, SEIU)                                  |          |
| TABLE U  | HR-010 (Teachers of Deaf, IFT)  |          |
| TABLE V  | HR-010 (Teachers of Deaf, Extracurricular Paid Activities)                          |          |
| TABLE W  | CU-500 (Corrections, Meet and Confer Employees)                                     |          |
|          | RC-062 (Technical Employees, AFSCME)  |          |

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

|            |   |
|------------|---|
| TABLE X    | RC-063 (Professional Employees, AFSCME)                               |
| TABLE Y    | RC-063 (Educators, AFSCME)  |
| TABLE Z    | RC-063 (Physicians, AFSCME)   |
| APPENDIX B | Schedule of Salary Grades - Monthly Rates of Pay for Fiscal Year 1998 |
| APPENDIX C | Medical Administrator Rates for Fiscal Year 1998                      |
| APPENDIX D | Merit Compensation System Salary Schedule for Fiscal Year 1998        |
| APPENDIX E | Teaching Salary Schedule (Repealed)                                   |
| APPENDIX F | Physician and Physician Specialist Salary Schedule (Repealed)         |
| APPENDIX G | Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 1998     |

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 13675, effective July 31, 1986; emergency amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 19132, effective October 28, 1986; emergency amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Reg. 648, effective December 22, 1986; emergency amendment at 11 Ill. Reg. 3363, effective February 3, 1987; emergency amendment at 11 Ill. Reg. 4388, effective February 27, 1987; emergency amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; emergency amendment at 11 Ill. Reg. 15273, effective September 1, 1987; emergency amendment at 11 Ill. Reg. 17919, effective October 19, 1987; emergency amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; emergency amendment at 12 Ill. Reg. 5459, effective January 27, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; emergency amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 8135, effective April 22, 1988; emergency amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; emergency amendment at 12 Ill. Reg. 20584, effective November 28, 1988; emergency amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; emergency amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; emergency amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; emergency amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; emergency amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; emergency amendment at 14 Ill. Reg. 18854, effective November 13, 1990; emergency amendment at 15 Ill. Reg. 663,



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## Section 310. APPENDIX D Merit Compensation System Salary Schedule for Fiscal Year 1998

| Salary Range | Minimum Salary | Midpoint Salary | Maximum Salary |
|--------------|----------------|-----------------|----------------|
| MC 01        | 1,813          | 2,411           | 3,009          |
| MC 02        | 1,891          | 2,533           | 3,175          |
| MC 03        | 1,982          | 2,680           | 3,378          |
| MC 04        | 2,072          | 2,806           | 3,540          |
| MC 05        | 2,175          | 2,968           | 3,761          |
| MC 06        | 2,285          | 3,119           | 3,953          |
| MC 07        | 2,406          | 3,308           | 4,210          |
| MC 08        | 2,536          | 3,509           | 4,482          |
| MC 09        | 2,680          | 3,704           | 4,728          |
| MC 10        | 2,831          | 3,944           | 5,057          |
| MC 11        | 2,990          | 4,187           | 5,384          |
| MC 12        | 3,175          | 4,467           | 5,759          |
| MC 13        | 3,390          | 4,775           | 6,160          |
| MC 14        | 3,626          | 5,126           | 6,626          |
| MC 15        | 3,892          | 5,496           | 7,100          |
| MC 16        | 4,166          | 5,905           | 7,644          |
| MC 17        | 4,496          | 6,373           | 8,250          |
| MC 18        | 4,846          | 6,853           | 8,460          |
| MC 19        | 5,234          | 6,945           | 8,656          |

Merit Compensation System Salary Schedule (Alternative Retirement Formula only) - Monthly Rates of Pay for Fiscal Year 1998

| Salary Range | Minimum Salary | Midpoint Salary | Maximum Salary |
|--------------|----------------|-----------------|----------------|
| MC 01a       | 1,813          | 2,456           | 3,099          |
| MC 02a       | 1,891          | 2,581           | 3,271          |
| MC 03a       | 1,982          | 2,731           | 3,480          |
| MC 04a       | 2,072          | 2,859           | 3,646          |
| MC 05a       | 2,175          | 3,025           | 3,875          |
| MC 06a       | 2,285          | 3,179           | 4,073          |
| MC 07a       | 2,406          | 3,371           | 4,336          |
| MC 08a       | 2,536          | 3,576           | 4,616          |
| MC 09a       | 2,680          | 3,775           | 4,870          |
| MC 10a       | 2,831          | 4,020           | 5,209          |
| MC 11a       | 2,990          | 4,268           | 5,546          |
| MC 12a       | 3,175          | 4,554           | 5,933          |
| MC 13a       | 3,390          | 4,868           | 6,346          |
| MC 14a       | 3,626          | 5,226           | 6,826          |
| MC 15a       | 3,892          | 5,603           | 7,314          |
| MC 16a       | 4,166          | 6,020           | 7,874          |

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

|        |       |       |       |
|--------|-------|-------|-------|
| MC 17a | 4,496 | 6,497 | 8,498 |
| MC 18a | 4,846 | 6,780 | 8,714 |
| MC 19a | 5,234 | 7,075 | 8,916 |

(Source: Amended at 22 Ill. Reg. 2580, effective JAN 14 1998)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 310.APPENDIX G Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 1998

| Title   | Minimum Salary | Maximum Salary |
|---|----------------|----------------|
| Human Resources Representative                | 1,891          | 3,540          |
| Human Resources Specialist                    | 2,175          | 4,210          |
| Public Service Administrator                  | 2,536          | 5,382          |
| Senior Public Service Administrator, Level I  | 3,494          | 6,097          |
| Senior Public Service Administrator, Level II | 4,292          | 7,972          |

Broad-Band Pay Range Classes Salary Schedule (Alternative Retirement Formula only) - Monthly Rates of Pay for Fiscal Year 1998

| Title   | Minimum Salary | Maximum Salary |
|---|----------------|----------------|
| Human Resources Representative                | 1,891          | 3,546          |
| Human Resources Specialist                    | 2,175          | 4,336          |
| Public Service Administrator                  | 2,536          | 5,543          |
| Senior Public Service Administrator, Level I  | 3,494          | 6,280          |
| Senior Public Service Administrator, Level II | 4,292          | 8,211          |

(Source: Amended at 22 Ill. Reg. 2580, effective JAN 14 1998)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Water Withdrawal From State Areas
- 2) Code Citation: 17 Ill. Adm. Code 120
- 3) Section Numbers: Adopted Action:  
120.10 New Section  
120.20 New Section  
120.30 New Section
- 4) Statutory Authority: Implementing and authorized by the State Parks Act [20 ILCS 835/1 and 4(l)] and the State Parks Designation Act [20 ILCS 840/5].
- 5) Effective Date of Rulemaking: January 16, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- ) Does this rulemaking contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: January 15, 1998
- 9) Notice of Proposal Published in Illinois Register: October 10, 1997, 21 Ill. Reg. 13480
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version:  
In Section 120.10(d), "or" was added prior to "water storage".  
In Section 120.20(b), the comma following "herbicides" was removed.  
In Section 120.20(h), "Natural Area" was changed to "natural area".  
In Section 120.20(i)(2)(C), "site" was changed to "sites".  
In Section 120.30(b), "\$35.00" was changed to "\$35" and Section 120.30(c) was changed to "subsection (c)".  
In Section 120.30(d), "DNR" was added prior to "resource" and "of fisheries, forestry, wildlife and natural heritage" was added at the end of the sentence.  
In Section 120.30(g), a comma was added following "If".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED RULES

- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part covers requests by the public and private sector to withdraw either ground or surface water from properties owned by the State of Illinois and administered by the Department of Natural Resources. The rule sets the conditions under which the requests will be reviewed and the information which must be provided to the Department by the requestor.
- 16) Information and questions regarding these adopted rules shall be directed to:

Jack Price  
Department of Natural Resources  
524 S. Second Street, Room 430  
Springfield, IL 62701-1787  
217/782-1809

The full text of the Adopted Rules begins on the next page:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED RULES

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER a: LANDS

PART 120  
WATER WITHDRAWAL FROM STATE AREAS

- Section  
120.10 Purpose  
120.20 Water Withdrawal Criteria  
120.30 Restrictions and Special Considerations

**AUTHORITY:** Implementing and authorized by the State Parks Act [20 ILCS 835/1 and 4(1)] and the State Parks Designation Act [20 ILCS 840/5].

**SOURCE:** Adopted at 22 Ill. Reg. 25.01, effective

JAN 16 1998

**Section 120.10 Purpose**

- a) The water resources within or upon lands owned or managed by the Department of Natural Resources (Department) constitute a tremendous natural resource. It is the mission of the Department to manage the waters under its control for resource protection and outdoor recreation.
- b) Many Department-owned lakes were constructed utilizing federal grant-in-aid dollars. When uses other than those authorized under federal grant requirements are contemplated for these funded lakes, the Department must ensure that such uses are compatible with federal grant requirements.
- c) Withdrawal of water (including ponds, lakes, streams, wetlands, canals and groundwater) from properties owned by or under the control of the Department shall not be done without written approval from the Department. Requests for withdrawal of water will be evaluated by criteria set forth in this Part.
- d) This Part does not apply to Lake Michigan or any other public bodies of water administered under the Rivers, Lakes and Streams Act [615 ILCS 5]; Kaskaskia River below Carlyle Dam or water storage in Carlyle Lake and Lake Shelbyville administered under the Kaskaskia River Watershed and Basin Act [615 ILCS 75]; water storage in Rend Lake administered under the Rend Lake Dam and Reservoir on the Big Muddy River Act [70 ILCS 2115]; or water storage in Kinkaid Lake administered under the Big Kinkaid Creek Reservoir Act [615 ILCS 80].

**Section 120.20 Water Withdrawal Criteria**

The following criteria will be used to evaluate requests for water withdrawal

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED RULES

and failure to meet these criteria will result in rejection:

- a) Demonstration of Need  
The party requesting the use of water from a Department site must provide information which demonstrates that it has exhausted reasonable alternatives to satisfy its water needs.
- b) Compatibility With Fish Management or Other Site Management Activities  
For example: If a lake has a history of use or the need to utilize fishery management chemicals (aquatic herbicides or fish toxicants) these facts must be taken into consideration during the Department's review of water withdrawal requests. Information on the use of chemicals must be provided to the requestors in the interest of public health and safety. The District Fisheries Biologist will notify the Site Superintendent annually, by January 31, of all use of chemicals on waters of a site under his control. This notification will include the type of chemical, the date a chemical was applied, the purpose of the application and how many pounds/gallons were applied.
- c) Compatibility With Migratory Bird Management Activities  
For example: If a wetland has a history of being dewatered on a seasonal basis for the purpose of managing migratory birds, these factors must be taken into consideration during the Department's review of water withdrawal requests.
- d) Overwintering and Summer Survival of Aquatic Life  
In any water withdrawal situation, sufficient water depth must remain to allow overwintering and summer survival of the water area's aquatic life. Winter-kill risk must be minimized in case refilling prior to winter does not occur following withdrawal, and thermal refuges must be maintained throughout the summer.
- e) Consideration of Federal Requirements  
In all cases where federal funding was utilized in acquiring or developing a site/lake, the associated federal requirements must be considered in the review of water withdrawal requests and inherent obligations must be honored.
- f) Physical Attributes of the Lake and Watershed  
The morphological configuration of the lake in question should be analyzed to determine the amount of water which may be withdrawn. Factors such as the lake's maximum depth, average depth, ratio of littoral zone to total lake acreage, watershed to lake ratio, inflow/outflow hydrograph of the impoundment for water recharging, spawning requirements and the location of boat ramps and dockage all must be considered.
- g) Presence of Endangered or Threatened Species  
Water withdrawal from surface waters providing habitat for endangered or threatened species will require review by the Endangered Species Program Manager.
- h) Proximity of a Withdrawal Request to or in a Designated Illinois Nature Preserve  
A request of this nature will require coordination with, and concurrence by, the Illinois Nature Preserve Commission. Proximity of

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a withdrawal request to or in a natural area will require review to ensure there will be no negative impact on the natural area.

- i) Withdrawal Method Impact  
The method of water removal will be considered as a significant factor in the consideration of requests to withdraw water. Under certain circumstances, the method of water withdrawal could be more damaging to the resource and to Department programs than the loss of water itself. Consequently, Department staff involved in the review process will consider the impact of the requested withdrawal as follows:
  - 1) Mobile tank:
    - A) road conditions, weight limits and required permits (Department roads and local public roads);
    - B) water loading point conflicts with Department programs;
    - C) visitor, staff and permittee safety;
    - D) method of filling tank (noise, aesthetic and storage impact); and
    - E) need for Department supervision and impacts upon other activities.
  - 2) Pipelines:
    - A) location must not impact roads, trails, other use areas or sensitive resources;
    - B) pipe intake must be constructed to avoid resource damage;
    - C) construction and removal activity must not impact other sites; and
    - D) permanent pipelines will require formal planning and licensing.
  - 3) Spillway release from impoundment:
    - A) flow must be regulated and stopped as desired;
    - B) critical downstream activity must not be negatively impacted; and
    - C) adequate Department staff must be available to conduct operations.
  - 4) Water Wells:
    - A) well location must not impact sensitive natural resources;
    - B) the drilling method employed should be chosen to avoid impacts on surrounding sensitive natural resources;
    - C) the construction, site clean-up, and removal activity must not impact surrounding sensitive natural resources; and
    - D) discharge of water from test pumping after well completion (such as for well development and yield determination) must be controlled to avoid impacts on surrounding sensitive natural resources.

## Section 120.30 Restrictions and Special Considerations

- a) If upon completion of an environmental review a request is approved, all water withdrawn, except as described in Section 120.30(c), shall be by contract. The contract shall be prepared by Department staff

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- and signed by the Director or his designee.
- b) Withdrawals shall be charged a base fee of \$35 per permit issued, plus 15 cents per 1,000 gallons of water withdrawn, except for emergency use as defined in subsection(c).
  - c) Site superintendents may allow emergency withdrawal without a contract for situations which constitute an immediate peril to life or property, such as fire control.
  - d) In no case should a water area be pumped dry without consultation with the DNR resource divisions of fisheries, forestry, wildlife and natural heritage.
  - e) This Part shall have no effect on pre-existing contracts, nor shall such pre-existing contracts be deemed to affect this Part.
  - f) A requestor will be provided information on the types of chemicals and the amounts utilized on the water area. The requestor will be required to sign a statement that he/she received this information.
  - g) If, after a request for water withdrawal is approved, a situation arises in which further water withdrawal could prove to be detrimental to the resource, withdrawal may be halted at the discretion of the site superintendent with written notification provided to the requestor.

## CAPITAL DEVELOPMENT BOARD

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- 1) Heading of the Part: Standards for Award of Grants: School Construction Program
- 2) Code Citation: 71 Ill. Adm. Code 40
- 3) Section Numbers: Emergency Action:  
 40.100 New  
 40.110 Amended  
 40.120 Repealed  
 40.130 Amended  
 40.140 Repealed
- 4) Statutory Authority: Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Section 5-55 of that Act and the School Construction Law [105 ILCS 230].
- 5) Effective date of Amendments: January 13, 1998
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This rule will expire at the end of the 150-day period.
- 7) Date Filed in Agency's Principal Office: January 13, 1998
- 8) Reason for Emergency: The new School Construction Law (P.A.90-548, 105 ILCS 230) was generally effective on December 4, 1997. Rules must be in place to allow school districts to obtain grants as soon as possible.
- 9) A complete description of the Subjects and Issues Involved: The School Construction Law takes the place of CDB's prior Capital Assistance Program (CAPS) for schools, so the CAPS rules are being updated to reflect different requirements of the School Construction Law and current accepted industry and government standards for various types of school construction.
- 10) Are there any proposed amendments pending on this Part other than those appearing in the same issue of the Register as the emergency rules? No
- 11) Statement of Statewide Policy Objectives: This emergency amendment does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Information and questions regarding these amendments shall be directed to:

Claire Gibson, Deputy Chief Counsel  
 Capital Development Board  
 3rd Floor, Wm. G. Stratton Building  
 Springfield IL 62706



CAPITAL DEVELOPMENT BOARD  
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Telephone: 217/782-1392

The full text of the Emergency Amendments begins on the next page:

CAPITAL DEVELOPMENT BOARD  
NOTICE OF EMERGENCY AMENDMENTS  
TITLE 71: PUBLIC BUILDINGS, FACILITIES AND REAL PROPERTY  
CHAPTER I: CAPITAL DEVELOPMENT BOARD  
SUBCHAPTER a: RULES

PART 40  
STANDARDS FOR AWARD OF GRANTS  
~~SCHOOL CONSTRUCTION ELEMENTARY-AND-SECONDARY-SCHOOLS-CAPITAL-ASSISTANCE~~  
PROGRAM

- Section 40.100 Definitions
- ~~EMERGENCY~~
- 40.110 General Statement
- ~~EMERGENCY~~
- 40.120 Planning Assistance Grants (Repealed)
- ~~EMERGENCY~~
- 40.130 Construction Grants
- ~~EMERGENCY~~
- 40.140 Debt Service Grants (Repealed)
- ~~EMERGENCY~~

AUTHORITY: Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Section 5-55 of that Act.

SOURCE: Adopted at 2 Ill. Reg. 30, p. 140, effective July 27, 1978; amended at 4 Ill. Reg. 9, p. 233, effective February 14, 1980; amended at 5 Ill. Reg. 1890, effective February 17, 1981; amended and codified at 8 Ill. Reg. 20342, effective October 1, 1984; amended at 9 Ill. Reg. 17345, effective October 29, 1985; amended at 13 Ill. Reg. 6973, effective April 21, 1989; amended at 20 Ill. Reg. 15244, effective November 15, 1996; emergency amendment at 22 Ill. Reg. ~~250~~ <sup>251</sup>, effective January 13, 1998, for a maximum of 150 days.

Section 40.100 Definitions  
~~EMERGENCY~~

The following definitions shall apply to this Part:

"Enrichment Cost" means expenditures not included in the recognized project cost and designated as ineligible expenditures by the Capital Development Board.

"Local Share" means funds provided by the local district equal to the recognized project cost subtracting the State share.

"Recognized Project Cost" means the total of eligible State and local funds necessary to provide for the acquisition, development, construction, reconstruction, rehabilitation, improvement, architectural planning and installation of capital facilities

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consisting of buildings, structures, durable equipment and land for educational purposes as determined by the Capital Development Board.

"State Share" means the product of the district grant index and the recognized project cost, as determined by the Capital Development Board.

"Unit Cost" means a dollar/sq.ft. cost used for determining the recognized project cost for new construction projects and additions. Costs include A/E design fees, building construction to the five foot line, fixed equipment, associated legal fees and contingency.

(Source: Added by emergency amendment at 22 Ill. Reg. effective January 13, 1998, for a maximum of 150 days)

25073

## Section 40.110 General Statement

EMERGENCY

a) The Capital Development Board (hereinafter "Board") will implement the School Construction Law through its School Construction Program (hereinafter "SCP").

b) The Board will make no grant awards prior to compliance by the school district with the State Board of Education regulations for grant entitlement (see 20 ILCS 3105/1A-1.1).

c) Simultaneous with the submission of applications and district facility plans to the State Board of Education, such documents shall be submitted to the Board. The Board shall request submission of additional information in those cases in which the applications and facilities plans do not include all data necessary to fully evaluate the building needs, based on projected enrollment and anticipated program. The Board shall request submission of additional information related to projected enrollment and anticipated program where the application and facilities plans need further clarification, contain discrepancies in information and/or are missing information needed to fully evaluate the building needs.

d) School districts failing to have access to provide the local share of funds within the time period set forth in Section 40.130(b)(9)(F) of this Part shall be reprioritized based on their priority standing and must update its application to establish its priority ranking for the following reapply in the next fiscal year.

e) The Board will construct and rehabilitate schools according to the building code as established and approved by the State Board of Education (see 105 ILCS-5/35-10).

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 13, 1998, for a maximum of 150 days)

25073

## Section 40.120 Planning Assistance Grants (Repealed)

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EMERGENCY

a) The purpose of a Planning Assistance Grant is to enable a school district to develop a school construction project program for design implementation. Planning Assistance Grants may be given for such activities as:

1) Analyzing and determining specific school construction needs, including estimates and scope for remodeling and/or rehabilitation of existing facilities.

2) Technical evaluation of sites for construction.

3) Health and Life/Safety surveys of specific facilities for which districts intend to request a School Construction Grant.

4) Construction program statement development to establish the functional relationships, work patterns and traffic flow required by the educational program of the district.

b) The amount of funds available for Planning Assistance Grants shall be a percentage of the appropriations made pursuant to the School Construction Bond Act (98 ILCS 390) as determined by the Board but may not exceed 2% of such appropriations.

c) The implementation of the planning process must emphasize community and State Board of Education participation.

d) The Recognized Planning Cost shall be determined by the Board. The State's share of the Recognized Planning Cost (RPE) may not exceed the RPE multiplied by the district's Grant Index as determined and provided by the Illinois State Board of Education. The district's share shall equal the balance of the RPE plus any services inelible for State participation and requested by the district.

e) When favorable Capital Development Board action has been taken on Planning Assistance Grant Awards, local school districts must provide the district's share of the total Planning Project Cost by depositing same in the State Treasury or by establishing a local trust account pursuant to 71 Ill. Adm. Code 30.

f) Supervision of grant disbursement and contractual obligations shall be the responsibility of the Board.

(Source: Repealed by emergency rulemaking at 22 Ill. Reg. effective January 13, 1998, for a maximum of 150 days)

25073

## Section 40.130 Construction Grants

EMERGENCY

Prior to the award of a construction grant, school districts shall meet the following requirements:

a) Program Statements

School Statements must be submitted to the Board as part of the program district's Application for Construction Grant Entitlement for proposed facilities and sites requiring SCP Capital Assistance Program (CAP) funding. Program Statements must conform to the SCP CAP

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Educational Facilities Program Statement Guidelines for Program Statements as developed by the Board and which will address, but not be limited to, the following:

- 1) Project Rationale
- 2) ~~The Community~~
- 3) Education Plan
  - A) Curriculum plan
  - B) Instruction method
  - C) Support plans
- 34) Description of Activity Areas
- 45) General Building Considerations
- 56) Site Analysis
- 77) ~~Spatial Relationships~~
- 87) ~~Spatial Measurements~~
- 69) Time Schedule of Major Events ~~Cost Estimates and Funding Sources~~
- 710) Cost Estimates and Funding Sources ~~Time Schedule of Major Events~~

b) Prohibited Uses  
Program statements shall not include any on-going operational costs or any construction projects for which the General Assembly and the Governor have approved specifically designated funds.

cb) Standards for School Site Selection and Approval

- 1) The local school board shall select the sites for all new projects subject to the determination of the Board that the proposed site meets all minimum engineering and construction standards or requirements.

2) ~~The Board will not approve a new site until the applicant district has informed the chief executive officer of the local government unit within whose jurisdiction the proposed site lies and has obtained any necessary approval of the district's plans as they may affect or be affected by the plans and policies of the local government.~~

3) ~~Equal Educational Opportunity--the proposed site must support legitimate efforts to eliminate and prevent segregation in schools because of race, religion, sex or national origin--the placement of the school must, at a minimum, be approved by the State Board of Education in this respect.~~

24) Suitability for Development and Construction

- A) The site must be free of physical structures, topographical features or subsurface physical conditions that would preclude necessary construction, present insurmountable obstacles to safety or normal utilization, shorten building life, cause excessive delays in project completion, or cause costs to exceed the funds available. "Necessary construction" shall include but not necessarily be limited to: buildings, utility lines, storm water disposal arrangements and paving. The local district shall provide a report, acceptable to the Board, on soil conditions based on the removal of soil for testing. The cost to the local

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school district of the soil test and report of that test shall be considered as a credit to the local share of the recognized project cost if the site is approved and a grant award is made.

- B) The site must not be subject to existing or foreseeable, harmful or disruptive environmental hazards and nuisances. Such hazards and nuisances may include, but are not necessarily limited to: excessive dust, smoke, noise, odors, air pollutants, soil pollutants, floods, ground water incursions, vibrations, explosions, and electrical discharges. Site acquisition shall be subject to the ~~Emergency Preservation Act [505 ILCS 7-1], Interagency Wetland Policy Act of 1989 [20 ILCS 830], Illinois State Agency Historic Resources Preservation Act [20 ILCS 3410], Archaeological and Paleontological Resources Protection Act [20 ILCS 3435] and the Illinois Endangered Species Protection Act [520 ILCS 10], as may be applicable.~~

35) Availability of Site

- A) The local district shall have a period of 150 days from the time of grant award to acquire title to the site, or rights of use and exclusion sufficient to carry out the purposes and programs of the school. Such time period may be extended for 60 days by the Executive Director. Any further extension must be approved by the Board. Extensions will be granted in those cases in which there is a reasonable expectation that the district will be able to acquire the site within the period of the extension and the delay has been occasioned by a condition beyond the control of the district, such as a delay in acquiring a title commitment.

- B) A grant will not be awarded until the Board has had a reasonable opportunity to enter upon the site, inspect it in detail, and conduct whatever site tests are deemed necessary to establish the suitability of the site for school purposes.

- C) The Board will not approve a site unless its development and use for the proposed school is in compliance with applicable ~~local zoning~~ laws, or unless action has been taken to bring variation of same into compliance.

- D) When street vacations, utility relocations, or such action will be required prior to start of construction, the local district must present documentation that such actions will be approved by the responsible local governmental units before the Board will approve the site.

46) Site Size and Configuration

- A) The proposed site must contain usable space sufficient in size and of regular configuration so as to accommodate the school's on-site program as well as to accommodate ancillary functions that are better served on-site than off-site, such



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ii) For additions to existing schools, the addition should not be planned on existing open space and/or playground area of existing schools, unless it can be demonstrated that the construction of the addition will not reduce the amount of space necessary to fulfill the program and provide adequate recreational space.

iii) In those instances where a combination of the above minimum area requirements results in a total minimum requirement less than 1.5 acres, 1.5 acres shall be considered the minimum acceptable acreage.

E) Special Requirements  
The above are minimums for useable area. However, irrespective of required these minimums, the site must be of sufficient size to provide for the following needs as indicated:

i) Space for Outdoor On-Site Program  
There must be a portion or portions of the site, in addition to those reserved for other purposes, that are of such size, shape and physical character that they can be readily improved to accommodate the safe conduct of the outdoor portions of the on-site school program. The site must permit the safe conduct of a physical education program that meets district standards, taking into account the varying physical capacities of students, types and amounts of activities in the physical education program, and the daily and yearly time schedule of the school.

ii) Accommodation of Vehicles  
There must be portions of the site, in addition to those necessary for other purposes, that are of such size, shape, physical quality and location that they can provide spaces for vehicles as indicated below without contravening local zoning ordinances: safe loading and unloading areas for school buses, where areas are necessary to the safety of students from street traffic; secure and convenient parking spaces for staff, visitors, and students in conformance with district policies; and safe accommodation of delivery and service vehicles involved in serving the school.

iii) Access, Circulation, Evacuation Assembly  
There must be portions of the site of such size, shape, physical quality and location that they can be improved to provide: unobstructed exterior avenues of

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as parking, bus loading and unloading, casual student assembly and play, and pedestrian movement between different points on the site.

B) The school's on-site program shall be defined to include the school's instructional program and any other activities and events the applicant school district plans to conduct on the site. The applicant may tailor its on-site program to fit the site proposed, but the Board will not approve a site that is insufficient to accommodate a program that is standard for the district as a whole, nor will the Board approve a site that does not permit full compliance with program standards as embodied in Section 2-3-25 of the School Code (105-1565-5/2-3-25) and determined by the State Board of Education. Determination of the adequacy of the site's space in terms of the number of students shall be based on the design capacity of the school building.

C) Space for Buildings  
In addition to those portions of the site required for other purposes, there must be a portion or portions of the site that are of such size, shape and physical quality that they are sufficient to accommodate the buildings that would be required by the maximum design enrollment of the school. This "building reserve" must be at least sufficient in ground area to provide for gross floor space, as set forth in the section on space standards for new construction, subsection (c)(4)(C) of this Section 40-130 (105-1565-5/4). For facilities with more than one floor the "building reserve" must be at least sufficient in ground area to provide for one-half the gross floor space.

D) Non-Building Space  
i) At a minimum, the site must provide the following amounts of space (in addition to that reserved for buildings to meet "Special Requirements" as defined in subsection (c)(4)(E) of this Section 40-130 (105-1565-5/4) following) of a shape, character and location that the site they can readily be improved to provide areas suitable for physical education and recreation, any planned accommodation of vehicles, and the accommodation of outdoor access, circulation and evacuation in accordance with CDB's List of Eligible Capital Infrastructure Program Expenditures for Construction of New School Facilities (hereinafter "List of Eligible Expenditures"). \*

Minimum Useable Area for Non-Building Needs

| School Grades | Sq.-Ft. | Acres-for-Sample-Enrollments |      |
|---------------|---------|------------------------------|------|
|               | Student | 200                          | 500  |
|               |         | 1000                         | 2000 |
|               |         |                              | 3000 |

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escape from the exits of all proposed buildings and the areas adjacent to buildings in the event that evacuation is necessary; safe and convenient circulation by students between and among the building(s) and outdoor activity areas of the site; safe accommodation for the unsupervised outdoor assembly of students and their pastimes before school, after school, at lunch breaks and at recesses; safe accommodation of the outdoor assemblies of students and spectators occasioned by school-sponsored spectator events to be held on the site.

## F) Variance of Site Size and Configuration

The Board will approve a proposed site which does not meet the minimum requirements of this subsection (C)(4) Section 40-130(b)(7)(A)-(B) when all the following criteria have been met:

i) The local school board petitions the State Board of Education and the Board for a variance from the minimum requirements of this subsection (C)(4) Section 40-130(b)(7)(A)-(B) stating with specificity the reasons for such variance.

ii) The local school board certifies to the Board that the requested variance will not place the facility in noncompliance with the educational program standards as described in Section 2-3-25 of the School Code (105 ILCS 5-2-3-25) or with any federal laws or regulations.

iii) The State Board of Education certifies to the Board that the variance complies with all requirements of the School Code and Rules educational program standards of the State Board of Education as described in 23-111-Adm-Code-SubTitle-A7-Chapter-I and the State Board of Education identifies in its certification which of the minimum requirements is to be varied and to what extent.

## 57) Utilities and Services

A) Water Supply  
Water must be available at the site in sufficient volume and delivery rates and of appropriate quality to serve the firefighting needs of the proposed school as well as to accommodate other forms of water consumption.

B) Sanitary Sewage Disposal  
The location or character of the site must not prevent the disposal of sanitary sewage from the school.

C) Storm Water Disposal  
The location or character of the site must not prevent the disposal of storm water from the school.

D) Electric, Power, Telephone, Gas

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The site must present no obstacles to the provision of electric power, telephone services, and whatever gas service the school may require at the point in the construction process when utility hook-ups are made.

E) Solid Waste Management Systems  
Solid waste management services must be available to the site.

## 60) Architect-Engineer Selection

The selection of an architect-engineer shall be in accordance with the Local Government Professional Services Selection Act [50 ILCS 510] 44-111-Adm-Code-100-110. Grants will not be awarded to local school districts which have contracted with an architect or engineer unless the selection of the architect or engineer has been previously approved by the Board.

## 79) State and Local Financial Participation in School Construction Projects

A) Determination of Recognized Project Cost  
i) Recognized project cost shall be based upon calculations in accordance with the List of Eligible Expenditures and shall include unit cost (\$/sq.ft.) as follows: buildings constructed to the five foot line, design and construction contingencies, building fixed equipment; plus additional associated costs as deemed appropriate by the Board in consultation with local school districts as follows: site improvements including related A/E fees and reimbursements, land acquisition and associated legal fees for the project site acquired, movable equipment, and utility service lines, both on-site and off-site, and special foundation construction and related A/E fees deemed necessary as a result of unusual sub-surface soil conditions.

ii) The Board shall establish and include in the List of Eligible Expenses unit cost limitations for elementary, secondary and vocational school construction based upon periodic review and revision of maximum cost per gross square foot allowances.

## B) Project Space Standards for New Construction and Additions

## i) General

CDB shall establish detailed project standards including space and capacity standards in the List of Eligible Expenses. New schools with adequate space for all necessary instructional and ancillary activities require more space per students than additions to existing schools. Different space standards are required to accommodate different grade levels, i.e., pre-K-6, 7-9, and 10-12. Economies of scale in terms of space per student can be anticipated for larger

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schools. New construction should involve no less than the gross space allowance for 180 elementary students, 280 junior-high students, or 450 senior-high students except under unusual circumstances.

## ii) Square Footage

The following maximum standards are established for the determination of the State share of the recognized project cost in connection with a construction grant:

## Square Foot Per Student

## ELEMENTARY (Pre-K-6)

Gross square feet

per student

per additional student beyond

240

100

82

## MIDDLE/JUNIOR (7-9)

Gross square feet

per student

per additional student beyond

240

120

100

## HIGH SCHOOL (9-12)

Gross square feet

per student

per additional student beyond

240

140

110

## New Elementary School

K-6

Gross sq.-footage-per-student

76

Gross-----sq-----footage-----per

additional-student-beyond--240

students

62

## New Junior-High-School

7-9

Gross-sq.-footage-per-student

120

Gross-----sq-----footage-----per

additional-student-beyond--400

students

100

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## New-High-School

10-12

Gross-sq.-footage-per-student

140

Gross-----sq-----footage-----per

additional-student-beyond--600

students

110

e) Per-new-additions--to--existing--buildings--total-projects should-be-planned--for--not--less--than--the--gross--space allowance--for--150--students-----Multiple--sites--may--be considered--but--for--no--less--than--50--students--at--any--one site---Space-standards-for-additions-should-not-exceed-those for-new-buildings-as-detailed-in-subsection--(9)(B)--above. Unless-a-variance-is-granted-by-the-Board-based-on-evidence of-projected-enrollments-and-space-needs-presented-by--the user-agency--space-standards-should-equal-those-set-forth-in subsection--(9)(B)--above-for-additional-students-beyond-the base-numbers-of-240-students-for--elementary--400--students for--junior-high-and-600-for-new-high-schools---Applications from-school-districts-over-500-pupils--inhabitants--should--be limited--to--those--projects-planned-for-new-construction-or large-additions--over-450-pupils--for-the-project-year.

## cB) Remodeling or Rehabilitation

The recognized project cost for remodeling/ rehabilitation projects must be developed on an individual basis with space per student not to exceed standards set for construction of building-additions as set forth in subsection (C)(7)(B). Subsections--(9)(B)--and--(C)--above, and unit costs not to exceed standards for new construction as established from time to time by the Board.

## DB) Premises for Space Standards

- i) All necessary types of space shall be included for freestanding schools.
- ii) An average space-per-student can be derived from space type need by level: elementary, middle/junior high and high school.
- iii) Space needs for additions to existing schools may be less than needs for freestanding schools.
- iv) A building efficiency (net assignable space to total space) of 65% is the acceptable minimum.
- v) Unit costs (\$/sq.ft.) used for determining the recognized project cost, including A/E design fees, building construction to the five foot line, fixed equipment, associated legal fees and a contingency shall be no greater than those unit costs established from time to time by the Board. Said unit costs are determined as needed and are established by resolution



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of the Board and included in the List of Eligible Expenditures. In establishing unit costs the Board members shall be guided by current costs within the construction industry and the goal of receiving fair value for public funds expended.

EP) Limits on SCAP CAP Participation and Site Cost

Districts will not receive Board assistance or credit for acreages beyond the following maximums:

Elementary (Pre-K-6) - 5 acres plus 1 acre per 100 students, Middle/Junior High (7-9) - 20 acres plus 1 acre per 100 students, and High School (9-12) - 20 30 acres plus 1 acre per 100 students.

EG) The State and local share of the recognized project cost shall be computed by multiplying the recognized project cost by the Grant Index as defined by the School Construction Law and determined by the State Board of Education. Local districts must have access to provide the local district share of the recognized project cost through bond referendum or other means within 90 days of the grant award by the Board. Such period may be extended by the Executive Director for a maximum period of 30 days if the district demonstrates that appropriate steps have been taken to obtain the district's share of the recognized project cost and that an additional 30 days is necessary to complete the process. Local school districts are urged to begin referendum proceedings upon grant entitlement by the State Board of Education.

GH) The local district share of the recognized project cost shall be placed in a local trust account pursuant to 71 Ill. Adm. Code 30.

HJ) School districts may add to a project cost beyond the recognized project cost with local district funds. Funds for such project supplements may must be deposited in local inviolable trust accounts.

ID) To insure that State funds are applied only to the recognized project cost, the percentage of the architect's design estimate, by trade, will be applied to the bids to determine the portion representing the recognized and supplemental project cost. The actual recognized project cost as derived from the above bidding will be multiplied by the grant index to determine the final dollar amounts to be paid by the State and local school districts. The enrichment supplemental project cost will be paid by the local school district as specified in subsection (C)(9)(H) above of this Section. Any savings realized in bidding shall be equitably distributed between the State and the local school district.

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF EMERGENCY AMENDMENTS

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 13, 1998, for a maximum of 150 days)

Section 40.140 Debt Service Grants (Repealed)  
EMERGENCY

- a) The Board shall verify amount of principal and interest due in the fiscal year that the application is received.  
 1) School districts shall submit to the Board a list of bonds eligible for participation as defined in the Capital Assistance Program guidelines.  
 2) Eligible bonds must have principal and interest payments due during the current program year.  
 3) A copy of the county clerk's certification certifying the principal and interest payment due during the current fiscal year for eligible participation shall be submitted to the Board.  
 b) The Board shall determine, according to the provisions of Sections 1A-5 through 1A-11, the Capital Development Board Act (20-1bES 3105/1A-5 through 1A-11), the amount to be awarded.  
 c) Applications for debt service must be made by school districts for each year of this Capital Assistance program.  
 d) Bond funds needed for the local school district's share or supplemental cost of a project being constructed through a Capital Assistance program construction grant shall be ineligibile for a Debt Service Grant.  
 e) Bond funds not used to finance school construction shall be ineligibile for funding under the Debt Service Program.

(Source: Repealed by emergency amendment at 22 Ill. Reg. effective January 13, 1998, for a maximum of 150 days)

## STATEMENTS OF CHANGES AND COMMUNITY DEVELOPMENT

## OFFICE OF EMERGENCY RULE

1) Heading of the Part: Welfare-to-Work Block Grant Program

2) Code Citation: 56 Ill. Adm. Code 2665

3) Section Number: Emergency Action:  
2665.10 New

4) Statutory Authority: 20 ILCS 605/46.19

5) Effective Date: January 16, 1998

6) If this Emergency Rule is to expire before the end of the 150-day period, please specify the date on which it will expire: Will not expire.

7) Date Filed in Agency's Principal Office: January 16, 1998

8) Reason for Emergency: On August 5, 1997 the Balanced Budget Act of 1997 was signed into law. This Act, in part, amended the Personal Responsibility and Work Opportunity Act to create the Welfare-to-Work (WtW) Block Grant Program. Under this program federal funds will be allotted to states for distribution to local communities. Allotted funds will be used to assist the hardest-to-serve welfare recipients under the federal Temporary Assistance to Needy Families (TANF) program to obtain employment. The Balanced Budget Act of 1997 requires that the State allocate a portion of the WtW funds to Private Industry Councils (PICs) established under the federal Job Training Partnership Act (JTPA). The State must select criteria for the substrate allocation formula within narrowly defined options specified under the federal statute. The WtW program is scheduled to begin in January 1998. Failure to implement the program in a timely manner could jeopardize the State's ability to meet strict work force participation requirements under TANF, which could subsequently result in a loss of federal TANF funds to Illinois. The purpose of this emergency rule is to specify the substrate allocation formula for the WtW program in order to permit local PICs time to plan for program implementation by the scheduled start date of the WtW program.

9) Complete description of the Subject and Issues Involved: This rule specifies the substrate allocation formula for WtW Block Grant Funds required by the Balanced Budget Act of 1997.

10) Are there any Proposed Amendments to this Part? No

11) Statement of Policy Objectives: This rulemaking does not create or expand a State Mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].

12) Information and questions regarding this Emergency Rule shall be directed to:

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## OFFICE OF EMERGENCY RULE

Rud Johnston  
Department of Commerce and Community Affairs  
Job Training Division  
620 East Adams Street, S-4  
Springfield, Illinois 62761  
(217) 785-6210  
Fax: (217) 785-6454  
TDD: (217) 785-6055

The full text of the Emergency Rule begins on the next page:

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF EMERGENCY RULE

TITLE 56: LABOR AND EMPLOYMENT  
CHAPTER III: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## PART 2665

## WELFARE-TO-WORK BLOCK GRANT PROGRAM

## SUBPART A: GENERAL PROVISIONS

Section  
2665.10 Substate Allocation Formula

**AUTHORITY:** Implementing Section 46.19 of the Civil Administrative Code of Illinois [20 ILCS 605/46.19] and authorized by Section 46.20 of the Civil Administrative Code of Illinois [20 ILCS 605/46.20].

**SOURCE:** Emergency rule adopted at 22 Ill. Reg. 2612, effective January 16, 1998, for a maximum of 150 days.

## SUBPART A: GENERAL PROVISIONS

Section 2665.10 Substate Allocation Formula  
**EMERGENCY**

Pursuant to the requirements of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended by the Balanced Budget Act of 1997, the following formula will be used by the Department of Commerce and Community Affairs to allocate 85 percent of the funds allotted to the State under the Welfare-to-Work Block Grant Program. Allocations shall be made on the basis of Service Delivery Areas (SDAs) designated under the Federal Job Training Partnership Act (JTPA).

- a) Preliminary Allocation: A preliminary allocation shall be made for all JTPA SDAs using the following criteria and weights:
  - 1) Excess Poverty: Fifty percent shall be allocated in proportion to the number by which the population of the SDA with an income that is less than the poverty limit exceeds 7.5 percent of the total population of the SDA, relative to such number for all SDAs in the State with an excess.
  - 2) Long Term Recipients: Fifty percent shall be allocated in proportion to the number of adults residing in the SDA who have been welfare recipients under the Temporary Assistance to Needy Families program (and the predecessor program, Aid to Families with Dependent Children) for at least 30 months relative to such adults residing in the State.
- b) Final Allocation: Pursuant to the requirements of the Federal Balanced Budget Act of 1997, in the event that the preliminary allocation for an SDA is less than \$100,000, such preliminary

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF EMERGENCY RULE

allocations shall be excluded from the final allocation and shall reduce the total amount of funds allocated by substate formula.



## STATE BOARD OF EDUCATION

## NOTICE OF EMERGENCY RULES

1) Heading of the Part: School Construction Program

2) Code Citation: 23 Ill. Adm. Code 151

|                            |                          |
|----------------------------|--------------------------|
| 3) <u>Section Numbers:</u> | <u>Emergency Action:</u> |
| 151.10                     | New Section              |
| 151.20                     | New Section              |
| 151.30                     | New Section              |
| 151.40                     | New Section              |
| 151.50                     | New Section              |
| 151.60                     | New Section              |
| 151.70                     | New Section              |

4) Statutory Authority: The School Construction Law (see P.A. 90-548, effective January 1, 1998).

5) Effective Date of Amendments: January 16, 1998

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

7) Date Filed in Agency's Principal Office: January 15, 1998

8) Reason for Emergency: Section 5-50 of the School Construction Law requires that districts have their grant entitlements from the State Board before they submit their construction projects to referendum for approval. Since many districts want to submit projects to referendum at the March 17 election, the State Board needs to be able to issue entitlements immediately, based on the standards set forth in these rules. The agency has therefore determined that the public interest requires emergency rulemaking. The State Board must adopt these rules on an emergency basis so that districts can address the critical infrastructure needs that led to enactment of the School Construction Law.

9) A Complete Description of the Subjects and Issues Involved: Enactment of P.A. 90-548 on December 4 has made funding available for school construction grant projects and debt service grants to school districts. Under this program, the State Board of Education must adopt standards under which to issue grant entitlements to school districts; determine the order of priority for school construction project grants to be made by the Capital Development Board; and make grants to school districts for debt service on approved school construction bonds. These rules set forth the basis on which entitlements and priorities will be established and describe the application process involved.

10) Are there any proposed amendments to this Part pending? No

11) Statement of Statewide Policy Objectives: This rulemaking will not create

## STATE BOARD OF EDUCATION

## NOTICE OF EMERGENCY RULES

or enlarge a State mandate.

12) Information and questions regarding these rules shall be directed to:

Gary V. Ey  
Associate Superintendent  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
(217) 785-8779

The full text of the emergency rules begins on the next page:

## STATE BOARD OF EDUCATION

## NOTICE OF EMERGENCY RULES

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## CHAPTER I: SUBTITLE A: EDUCATION

## SUBCHAPTER C: FINANCE

## PART 151

## SCHOOL CONSTRUCTION PROGRAM

| Section             | Purpose   |
|---------------------|---|
| 151.10<br>EMERGENCY |   |
| 151.20<br>EMERGENCY | Eligible Applicants   |
| 151.30<br>EMERGENCY | Application for School Construction Project Grant Entitlement |
| 151.40<br>EMERGENCY | Award of Construction Project Grant Entitlement               |
| 151.50<br>EMERGENCY | Priority Ranking of Construction Grant Entitlements           |
| 151.60<br>EMERGENCY | Grant Index   |
| 151.70<br>EMERGENCY | Debt Service Grants   |

**AUTHORITY:** Implementing the School Construction Law (see P.A. 90-548, effective January 1, 1998) and authorized by Section 5-55 of that Law.

**SOURCE:** Emergency rules adopted at 22 Ill. Reg. 2616, effective January 16, 1998, for a maximum of 150 days.

#### Section 151.10 Purpose EMERGENCY

This Part implements the School Construction Law (see P.A. 90-548, effective January 1, 1998), which requires that the State Board of Education:

- adopt standards under which the State Board will issue grant entitlements to school districts for school construction project grants to be made by the Capital Development Board;
- determine the order of priority for school construction project grants to be made by the Capital Development Board; and
- make grants to school districts for debt service on approved school construction bonds.

#### Section 151.20 Eligible Applicants EMERGENCY

School districts that meet the requirements of the School Construction Law and

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this Part are eligible to apply for school construction project grant entitlements and debt service grants.

- A district's eligibility for a school construction project grant under the minimum enrollment requirements of Section 5-25(a) of the School Construction Law shall be determined using the district's enrollment in prekindergarten through grade 12 as shown on the district's most recent Fall Enrollment/Housing Report.

- School construction projects must meet the following requirements in order to generate grant entitlements.

- Remodeling, rehabilitation, or building addition projects must involve needed capacity, as defined in Section 151.50(c) of this Part, of at least 150 students for the district as a whole and at least 50 students at each site to be remodeled or rehabilitated.

This requirement does not apply to projects under priority five of Section 5-30 of the School Construction Law.

- New construction projects must address needed capacity of at least the following magnitude:

- Elementary schools: 200 students
- Middle and junior high schools: 200 students
- High schools: 400 students

#### Section 151.30 Application for School Construction Project Grant Entitlement EMERGENCY

- A school district seeking a school construction project grant entitlement shall submit an application that includes a District Facilities Plan. A district shall annually update its application in order to establish eligibility for a construction grant.

- Each application for a grant for Fiscal Year 1998 must be received in the Springfield office of the State Board of Education by February 6, 1998. Applications shall be addressed as follows:

Illinois State Board of Education  
School Construction Program  
100 North First Street  
Springfield, Illinois 62777-0001

- For subsequent fiscal years, applications or updates must be received at the address shown in subsection (b) of this Section by April 1 preceding the beginning of the fiscal year in question. Each application or update must include the Capital Development Board's program statement as defined in 71 Ill. Adm. Code 40.

- An application that is incomplete will be returned and will not be processed until it is complete. An application must be complete by the applicable filing deadline in order to be considered. All information contained in the application shall be subject to verification and correction by the State Board of Education and the Capital Development Board by means including on-site inspection and

## STATE BOARD OF EDUCATION

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review of documents.

e) Each application shall include the following information.

1) A narrative description of the present educational program of the district and anticipated changes in the educational program over the next five years, including:

A) the number of schools currently operated by the district;

B) the configuration of the district's schools by grade level;

C) the basis upon which students are assigned to the district's schools; and

D) the nature and estimated impact of any changes in these factors over the next five years.

2) A description of the present and projected financial position of the district, including but not limited to the availability of current revenue, fund balances, the amount of general obligation debt of the district, and the amount of unused bonding power. This requirement may be met by attaching or, if already on file with the State Board, incorporating by reference:

A) a copy of the district's basic financial statements (i.e., Statement of Revenues Received/Revenues, Expenditures Disbursed/Expenditures, Other Financing Sources (Uses), and Changes in Fund Balances) from the district's Annual Financial Report for the fiscal year ending June 30 immediately preceding the fiscal year in which the application or update is submitted;

B) a copy of Part III (Budget Summary) and Part IV (Summary of Cash Transactions) from the School District Budget Form for the fiscal year in which the application or update is submitted; and

C) a statement showing the amount of the district's unused bonding power as determined under Article 19 of the School Code [105 ILCS 5/Art. 19].

3) A description of the district's maintenance plan and schedule, including but not limited to:

A) the maximum authorized operations and maintenance tax rate of the district;

B) the rate at which the operations and maintenance taxes were last extended;

C) the amount of operations and maintenance expenditures for the last fiscal year;

D) a statement assuring that new, renovated, and existing facilities are being or will be properly maintained; and

E) a brief explanation of how the district intends to maintain new, renovated, and existing facilities.

4) Facility inventory information, including:

A) a listing of each parcel of land, building, building addition, or other structure owned or used by the district to house its operations or held by the district for investment or revenue-producing purposes;

## STATE BOARD OF EDUCATION

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B) for each parcel of land, building, building addition, or other structure, a listing of the following information, as applicable:

i) the facility type;

ii) the ownership class;

iii) an indication of whether the structure is a main building or a building addition;

iv) the functional age of the building or addition as determined under Section 151.50(d)(2) of this Part;

v) the enrollment capacity as determined pursuant to the standards specified in Section 151.50(d) of this Part;

vi) the type of school housed in the building or building addition;

vii) the number of students currently housed in the facility;

viii) the number of inadequately housed students currently housed in the facility as determined under Section 151.50(c) and (d) of this Part;

ix) an indication of the district's plans for the facility within the next five years; and

x) an indication of which planned activities are the subject of a request for a school construction project grant.

### Section 151.40 Award of Construction Project Grant Entitlement EMERGENCY

a) A district that submits a complete and accurate application demonstrating that the district needs a school construction project or projects based on inadequate housing of students shall be awarded a construction project grant entitlement by the State Superintendent of Education for the qualifying project(s).

b) Such an entitlement qualifies the district for a school construction project grant from the Capital Development Board but does not guarantee receipt of such a grant.

c) The award of construction project grants by the Capital Development Board depends upon receipt of an appropriation for each fiscal year, the priority ranking of the district's project(s) as established pursuant to Section 151.50 of this Part, and the district's compliance with all other requirements of the School Construction Law.

### Section 151.50 Priority Ranking of Construction Grant Entitlements EMERGENCY

Districts holding construction grant entitlements shall be eligible for construction grants to be awarded by the Capital Development Board in order of the priority ranking, as described in this Section.

a) Districts holding grant entitlements shall be eligible for grant



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awards in the order of:

- 1) the six levels of priority described in Section 5-30 of the School Construction Law; and
  - 2) the district's ranking within its level of priority, determined according to subsections (b) through (d) of this Section.
- b) A district's ranking within a level of priority shall be determined by multiplying the district's needed capacity as determined under subsection (c) of this Section by the ratio of the district's needed capacity to the district's enrollment as recorded on the district's most recent Fall Enrollment/Housing Report. The resulting figure shall constitute the district's ranking, with the largest figure having the highest ranking.
- c) Needed Capacity
- 1) For each priority other than priority five, the district's needed capacity shall be calculated by subtracting its currently available capacity as determined under subsection (d) of this Section from its current enrollment.
  - 2) For priority five, the district's needed capacity shall be the number of qualified individuals with disabilities who require a school construction project.

d) Determination of Available Capacity

- 1) The enrollment capacity of each room or space currently subject to occupancy by students for instructional purposes in a district-owned, permanent building, or in a building leased by the district if the lease is at least ten years from expiration, shall be determined by dividing the net floor area (in square feet) of such room or space by the appropriate loading factor, as follows:

| Type of Room or Space                                | Loading Factor |
|--|----------------|
| Prekindergarten Classroom                            | 40             |
| Kindergarten Classroom                               | 40             |
| Elementary General Classroom                         | 35             |
| Elementary Art Classroom                             | 40             |
| Elementary Music Classroom                           | 30             |
| Elementary Computer Classroom                        | 35             |
| Middle School General Classroom                      | 35             |
| Middle School Art Classroom                          | 40             |
| Middle School Family and Consumer Sciences Classroom | 50             |
| Middle School Music Classroom                        | 25             |
| Middle School Computer Classroom                     | 40             |
| Middle School Science Laboratory                     | 40             |
| Middle School Science Laboratory/Classroom           | 50             |
| Middle School Industrial Technology                  |                |

|  |    |
|--|----|
| Laboratory/Shop Not Classified Elsewhere           | 40 |
| High School General Classroom                      | 30 |
| High School Art Classroom                          | 35 |
| High School Music Classroom                        | 25 |
| High School Computer Classroom                     | 40 |
| High School Family and Consumer Sciences Classroom | 60 |
| High School Science Laboratory                     | 35 |
| High School Industrial Technology Laboratory/Shop  | 75 |
| High School Laboratory Not Classified Elsewhere    | 35 |
| Special Education Classroom                        | 50 |

- 2) Buildings and additions with a functional age over one hundred years old shall be assigned an enrollment capacity of zero. The functional age of a building and each of its additions shall be individually determined by multiplying its actual age by one of the following condition factors, to be determined using the Building Condition Evaluation Form supplied by the State Board of Education:

| Condition of Building or Addition | Condition Factor |
|-----------------------------------|------------------|
| Excellent                         | 0.2              |
| Satisfactory                      | 0.4              |
| Substandard                       | 1.0              |
| Poor                              | 1.5              |
| Very Poor                         | 2.0              |

- 3) As used in this subsection (d), "permanent building" means a building mounted on a slab or a permanent foundation. A permanent foundation is a closed-perimeter formation consisting of materials such as concrete, mortared concrete block, or mortared brick extending into the ground below the frost line which may include but not be limited to cellars, basements, or crawlspaces but does not include the sole use of piers.

- e) A new order of priority ranking shall be established among the applicants for each fiscal year. If a district is not awarded a construction grant in a fiscal year for which it has received an entitlement, the district must update its application to establish its priority ranking for the following fiscal year.

## STATE BOARD OF EDUCATION

## NOTICE OF EMERGENCY RULES

- a) The amount of a school construction project grant or debt service grant shall be determined by using the district's grant index and the formulas given in Sections 5-5, 5-35(a), and 5-45 of the School Construction Law.
- b) Separate grant indexes shall be calculated for elementary districts, high school districts, and unit districts.
- c) The equalized assessed valuation and average daily attendance used in calculating a district's grant index shall be taken from the district's general state aid claim filed in the fiscal year in which the grant is made. The average daily attendance to be used shall be the district's best three months average daily attendance.

#### Section 151.70 Debt Service Grants EMERGENCY

- a) A school district shall apply for a debt service grant entitlement and award by submitting an application that includes a District Facilities Plan.
- b) Each application for a debt service grant for Fiscal Year 1998 must be received in the Springfield office of the State Board of Education by April 1, 1998. Applications shall be addressed as follows:

Illinois State Board of Education  
School Construction Program  
100 North First Street  
Springfield, Illinois 62777-0001

- c) For Fiscal Year 1999, eligibility for a debt service grant shall be contingent upon the State Board's receipt of an application, addressed as shown in subsection (b) of this Section, by April 15, 1999.
- d) An application that is incomplete will be returned and will not be processed until it is complete. An application must be complete by the applicable filing deadline in order to be considered. All information contained in the application shall be subject to verification and correction by the State Board of Education.
- e) Each application shall include the following information:
  - 1) The date of the referendum for approved school construction bonds as defined in Section 5-5 of the School Construction Law;
  - 2) A copy of the ballot used at the referendum;
  - 3) A District Facilities Plan that complies with the requirements of Section 151.30(e) of this Part, unless the district has an approved District Facilities Plan on file with the State Board of Education as evidenced by receipt of a construction grant entitlement, in which case the Plan may be incorporated into the application by reference;
  - 4) A copy of the board resolution issuing the approved school construction bonds and showing the principal amount sold and the date of sale; and

## STATE BOARD OF EDUCATION

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- 5) A statement of assurance that the debt service grant funds shall be used only to retire principal of approved school construction bonds, restructure the debt service on such bonds, or abate the property taxes levied for the district's bond and interest fund by an amount identical to the amount of the debt service grant.
- f) The State Board of Education shall notify districts that meet the requirements of the School Construction Law and this Part of the amount of their grant awards and shall make grant payments through vouchers submitted to the Comptroller.
- g) The State Board of Education will verify that debt service grant funds have been expended for authorized purposes through review of districts' Annual Financial Reports.

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF EMERGENCY AMENDMENTS

must be obtained from December 31, 1997 to December 31, 1998.

- 10) Are There Any Proposed Amendments Pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These rules will not require any new expenditures by units of local government.
- 12) Information and Questions Regarding these Emergency Amendments shall be directed to:

Gail M. Devito  
535 West Jefferson, Fifth Floor  
Springfield, Illinois 62761  
217/782-2043  
E-mail: rules@dph.state.il.us

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Illinois Mobile Home Tiedown Code

2) Code Citation: 77 Ill. Adm. Code 870

3) Section Numbers: 870.30  
Emergency Action: Amendment

4) Statutory Authority: Implementing and authorized by the Illinois Mobile Home Tiedown Act [210 ILCS 120].

5) Effective Date of Emergency Rules: January 14, 1998

6) If this Emergency Rule is to Expire Before the End of the 150-Day Period, Please Specify the Date on Which it is to Expire: Not Applicable

7) Date Filed in Agency's Principal Office: January 14, 1998

8) Reason for Emergency: It is necessary to file emergency amendments to the Illinois Mobile Home Tiedown Code because there have been no manufacturers approved to sell tiedown equipment in Illinois after December 31, 1997. Section 870.30 was amended, effective July 1, 1997, to state, "All approvals issued by the Department previously for tiedown equipment shall become void on December 31, 1997. New approval must be obtained to sell tiedown equipment in Illinois after December 31, 1997, in accordance with the criteria in subsection (a) of this Section."

There are two provisions of the rules, as amended on July 1, 1997, with which the five manufacturers of tiedown equipment in the country are unable to comply. Section 870.60(f) specifies that the anchor head may only move two inches horizontally and vertically. Previously, the rules allowed for movement of four inches in the horizontal direction. This same Section specifies that double-headed anchors must resist the vertical and horizontal loads simultaneously. There is a concern that the additional length in ground anchors needed to meet this standard will increase the risk of ground anchors being screwed into water, sewer, and electrical lines. To remedy the current situation in which it is not possible legally to tie down a mobile home in Illinois, Section 870.30(d) is being amended in this emergency rulemaking by changing the date the currently approved equipment becomes void and new approvals must be obtained to December 31, 1998. The Department intends to promulgate amendments to address the standard after meeting with interested equipment manufacturers.

9) A Complete Description of the Subjects and Issues Involved: This rulemaking revises Section 870.30(d), which requires manufacturers of tiedown equipment to seek Department approval before the equipment may be placed into use in Illinois. The Section is being amended by changing the date by which current approval of equipment becomes void and new approval



## DEPARTMENT OF PUBLIC HEALTH

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TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER 9: MOBILE HOMES

PART 870  
ILLINOIS MOBILE HOME TIEDOWN CODE

|         |  |
|---------|--|
| Section | Statutory Authority                      |
| 870.10  | Definitions                              |
| 870.20  | Tiedown Equipment Approval               |
| 870.30  | EMERGENCY                                |
| 870.40  | Compliance                               |
| 870.50  | Tiedown Installation Requirements        |
| 870.60  | Equipment Specifications                 |
| 870.70  | Administrative Hearings                  |
| TABLE A | Minimum Number of Ties Required Per Side |

AUTHORITY: Implementing and authorized by the Illinois Mobile Home Tiedown Act [210 ILCS 120].

SOURCE: Adopted at 4 Ill. Reg. 25, p. 148, effective July 1, 1980; codified at 8 Ill. Reg. 17513; amended at 21 Ill. Reg. 9475, effective July 1, 1997; emergency amendment at 22 Ill. Reg. 06 06, effective January 14, 1998, for a maximum of 150 days.

Section 870.30 Tiedown Equipment Approval  
EMERGENCY

- a) Approval. Each tiedown manufacturer shall file with the Department a written request for approval to sell tiedown equipment in Illinois. The installation of such equipment shall not be permitted unless such equipment is approved by the Department. In order to obtain approval, each tiedown manufacturer must submit the following:
  - 1) Detailed plans and specifications of all tiedown equipment showing model identification number, pertinent dimensions, materials, and method of securing ties. Each drawing shall bear the seal of a registered Professional Engineer, attesting that the drawing accurately describes the anchor and tiedown as produced for sale or use.
  - 2) Test data regarding the strength of all equipment, which has been prepared and certified by a recognized independent testing laboratory, demonstrating that the anchor and all tiedown equipment meets the requirements of Section 870.60. Each piece of equipment must be tested a minimum of three times and shown to meet the requirements of Section 870.60. Double headed anchors must be tested for the combined vertical and horizontal loads.
  - 3) Information as to the types of soil the anchor is certified to be

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

installed in, and instructions as to the method of installation. Such instructions shall accompany all equipment. The instructions for installation must be consistent with the testing of the equipment especially with regard to the angle and depth of installation of ground anchors. The instructions for concrete anchors shall specify as a minimum the minimum amount of concrete required, the distance from the edge of the concrete and the compressive strength of the concrete. A copy of all revisions to instructions must be submitted prior to the issuance of approval. 4) Each anchor shall be permanently marked with an identification number that is visible when the equipment is installed.

- b) Individual Approval. An individual home owner, dealer, or installer who wishes to tie down a mobile home with a unique system or materials different from one approved under subsection (a) above must submit all such information on material specifications, strength of equipment, and system design to the Department for approval. The approval will be based upon the criteria specified in Section 870.60.
- c) Evidence of Plan Approval. The tiedown manufacturer shall present evidence of Department approval to any installer upon request. Approval shall be evidenced by the letter of approval from the Department for the specific equipment.
- d) Previous Approvals. All approvals issued by the Department previously for tiedown equipment shall become void on December 31, 1998. New approval must be obtained to sell tiedown equipment in Illinois after December 31, 1998, in accordance with the criteria in subsection (a) of this Section.

(Source: Emergency amendment at 22 Ill. Reg. 06 06, effective January 14, 1998, for a maximum of 150 days)

## ILLINOIS INDUSTRIAL COMMISSION

## JANUARY 1998 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Insurance Regulations, 50 Ill. Adm. Code 7100

1) Rulemaking:

A) Description: The Industrial Commission is considering proposing changes to procedures relating to insurance compliance.

B) Statutory Authority: 820 ILCS 305/4, 16 and 19

C) Scheduled Meeting: No date has been set.

D) Date Agency Anticipates First Notice: No date has been set.

E) Affect on small business, small municipalities or not-for-profit corporations: The amendments would affect any employer who is not in compliance with the insurance coverage provisions of Section 4(a) and Section 4a-1 of the Workers' Compensation Act.

F) Agency contact person for information:

Name: Kathryn A. Kelley  
Address: 100 West Randolph Street  
Suite 8-272  
Chicago, Illinois 60601  
Telephone: 312/814-6559

G) Related rulemaking and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Pre-Arbitration, 50 Ill. Adm. Code 7020 and Review, 50 Ill. Adm. Code 7040

1) Rulemaking:

A) Description: The Industrial Commission is considering proposing changes to its review procedures including, but not limited to, procedures relating to transcripts, perfecting a review and dismissals.

B) Statutory Authority: 820 ILCS 305/16 and 19

C) Scheduled Meeting: No date has been set.

D) Date Agency Anticipates First Notice: No date has been set.

E) Affect on small business, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

## ILLINOIS INDUSTRIAL COMMISSION

## JANUARY 1998 REGULATORY AGENDA

Name: Kathryn A. Kelley  
Address: 100 West Randolph Street  
Suite 8-272  
Chicago, Illinois 60601  
Telephone: 312/814-6559

G) Related rulemaking and other pertinent information: None

## OFFICE OF BANKS AND REAL ESTATE

## JANUARY 1998 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Real Estate Appraiser Certification, 68 Ill. Adm. Code 1455

1) Rulemaking:

A) Description: Legislation has been sent to the Governor which rewrites the state's appraiser licensing law. If the legislation is enacted, this part will be rewritten to reflect the new licensing law. If the bill is not enacted, rulemaking will be pursued to adopt fair housing/fair lending course requirements for appraisers and to incorporate by reference the most current edition of the Uniform Standards of Professional Appraisal Practice (USPAP). Provision will be made for disciplinary and hearings procedures specifically applicable to the appraiser regulation program.

- B) Statutory Authority: Implementing and authorized by Article 2 of the Real Estate License Act of 1983 [225 ILCS 455/Art. 2].

C) Schedule meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: July, 1998

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: John Arthur, Legislative Liaison  
Address: Office of Banks and Real Estate  
500 East Monroe, Suite 900  
Springfield, Illinois 62701-1532  
Telephone: (217) 782-3000

G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Real Estate License Act of 1983, 68 Ill. Adm. Code 1450

1) Rulemaking:

A) Description: This Part will be amended to set forth consolidated complaint review, hearing, and enforcement procedures under the Act.

- B) Statutory Authority: Implementing and authorized by the Real Estate License Act of 1983 [225 ILCS 455].

## OFFICE OF BANKS AND REAL ESTATE

## JANUARY 1998 REGULATORY AGENDA

- C) Schedule meeting/hearing date: None scheduled
- D) Date agency anticipates First Notice: Calendar year 1998

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: John Arthur, Legislative Liaison  
Address: Office of Banks and Real Estate  
500 East Monroe, Suite 900  
Springfield, Illinois 62701-1532  
Telephone: (217) 782-3000

G) Related rulemakings and other pertinent information: None

- c) Part(s) (Heading and Code Citation): Pawnbroker Regulation, 38 Ill. Adm. Code 405 (new part)

1) Rulemaking:

A) Description: Public Act 90-477, effective July 1, 1998, amends the Pawnbroker Regulation Act to create a new licensing program for pawnbrokers to be administered by the Office of Banks and Real Estate. This new Part will be promulgated to provide rules necessary for the proper administration of the new licensing program.

B) Statutory Authority: Implementing and authorized by the Pawnbroker Regulation Act [205 ILCS 510] as amended by Public Act 90-477.

C) Schedule meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: July, 1998

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: John Arthur, Legislative Liaison  
Address: Office of Banks and Real Estate  
500 East Monroe, Suite 900  
Springfield, Illinois 62701-1532  
Telephone: (217) 782-3000



## OFFICE OF BANKS AND REAL ESTATE

## JANUARY 1998 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Reverse Mortgage Loans, 38 Ill. Adm. Code 300

1) Rulemaking:

A) Description: Section 300.20 will be amended to make the definition of "reverse mortgage loan" consistent with current statutory language (previous statutory limitations on the purposes for which reverse mortgage loans can be made, which are set forth in the rule, were removed by Public Act 88-643).

B) Statutory Authority: Implementing and authorized by Section 5a of the Illinois Banking Act [205 ILCS 5/5a].

C) Schedule meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: Calendar year 1998.

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: John Arthur, Legislative Liaison  
Address: Office of Banks and Real Estate  
500 East Monroe, Suite 900  
Springfield, Illinois 62701-1532  
Telephone: (217) 782-3000

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Foreign Banking Office Act, 38 Ill. Adm. Code 385 (new Part)

1) Rulemaking:

A) Description: This new Part will outline procedures that the Commissioner will follow in determining asset maintenance and pledged asset requirements established for foreign banking located in Illinois, including the circumstances under which foreign banking offices will be required to maintain certain asset requirements or pledge securities pursuant to the Act.

B) Statutory Authority: Implementing and authorized by the

## OFFICE OF BANKS AND REAL ESTATE

## JANUARY 1998 REGULATORY AGENDA

Foreign Banking Office Act [205 ILCS 645].

C) Schedule meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: Calendar year 1998

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: John Arthur, Legislative Liaison  
Address: Office of Banks and Real Estate  
500 East Monroe, Suite 900  
Springfield, Illinois 62701-1532  
Telephone: (217) 782-3000

G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Hearings before the Office of Banks and Real Estate, 38 Ill. Adm. Code 392

1) Rulemaking:

A) Description: This Part will be amended so that these hearing rules may be used with respect to additional entities regulated by the Office of Banks and Real Estate, including pawnbroker licensees, check printer registrants, foreign bank representative offices, and non-bank ATM registrants. In addition, obsolete references relating to the repealed Electronic Fund Transfer Transmission Facility Act will be removed. This rulemaking is part of an on-going effort by the Office of Banks and Real Estate to update and consolidate its hearing rules, an endeavor suggested and encouraged by the Joint Committee on Administrative Rules.

B) Statutory Authority: Implementing and authorized by the Illinois Banking Act [205 ILCS 5], the Electronic Fund Transfer Act [205 ILCS 616], the Corporate Fiduciary Act [205 ILCS 620], the Foreign Banking Office Act [205 ILCS 645], the Pawnbroker Regulation Act [205 ILCS 510], the Check Printer and Check Number Act [205 ILCS 690], and the Foreign Bank Representative Office Act [205 ILCS 650].

C) Schedule meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: Calendar year 1998

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 13, 1998 through January 19, 1998 and have been scheduled for review by the Committee at its February 17, 1998 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

| Second Notice Expires | Agency and Rule   | Start of First Notice           | JCAR Meeting   |
|-----------------------|---|---------------------------------|----------------|
| 2/26/98               | Department of Public Aid, Medical Payment (89 Ill Adm Code 140)   | 10/17/97<br>21 Ill Reg<br>13757 | 2/17/98        |
| 2/26/98               | Department of Public Aid, Specialized Health Care Delivery Systems (89 Ill Adm Code 146)                        | 10/17/97<br>21 Ill Reg<br>13760 | 2/17/98        |
| 3/1/98                | Department of Insurance, Repeal of Cost Containment Form and Data Reporting Requirements (50 Ill Adm Code 4202) | 9/26/97<br>21 Ill Reg<br>12889  | 2/17/98<br>t+1 |
| 3/1/98                | Department of Insurance, Insurance Cost Containment Data and Reporting Requirements (50 Ill Adm Code 4203)      | 9/26/97<br>21 Ill Reg<br>12944  | 2/17/98        |

98-1

EXECUTIVE ORDER TO EXTEND AFRICAN-AMERICAN FAMILY COMMISSION

Whereas, it is the policy of this State to promote family preservation and to preserve and strengthen families both within and outside of the child welfare system,

Whereas, there are 589,500 African-American children living in the State of Illinois, which is 18.9% of the total population of the State's children;

Whereas, African-American children represent 74% of the child welfare population in the State of Illinois;

Whereas, these statistics indicate a crisis in the State of Illinois among African-American children and their families which is created by the disproportionately high numbers of African-American children entering the child welfare system, and the limited number who appear to exit the system as compared to their non-African-American peers;

Whereas, all of the above indicators point to the need for better coordination and implementation of existing policies, procedures and programs as well as the development of new policies, procedures and programs which will enhance and strengthen African-American families, who are one of the most important assets to the State of Illinois;

Therefore, pursuant to the power vested in me by Article V, Section 11 of the Illinois Constitution, I, Jim Edgar, hereby order the following:

I. CREATION

There shall be established the African-American Family Commission.

II. MEMBERSHIP

A. The Commission shall be composed of 30 members who shall be appointed by the Governor and each of whom shall have a working knowledge of the child welfare system in Illinois. Members shall serve two-year terms. The chairperson(s) of the Commission shall be selected by the Governor.

B. Members shall be selected on a statewide basis but shall be predominately (85%) residents of the County of Cook. They shall be representative of a broad segment of communities and neighborhoods, and shall be selected from a variety of human service and related disciplines. They shall be representative of a partnership and collaborative effort between child welfare agencies, community-based agencies and organizations and leadership from the public/private sector and the community.

C. The Director of the Department of Children and Family Services shall serve on an ex-officio basis.

D. Members will serve without compensation but may be reimbursed for expenses.

E. Staff services and resources shall be provided to the Commission by the Department of Children and Family Services.

III. PURPOSE

The Commission shall advocate and promote family preservation consistent with the best interests of the child and community advancement by developing and recommending to the Illinois Department of Children and Family Services ("DCFS") culturally specific child welfare policies and practices that will strengthen African-American families and communities. Using a multidisciplinary, community-based approach, the Commission shall:

(a) assist DCFS in developing placement and program strategies for

## 98-1

**EXECUTIVE ORDER TO EXTEND AFRICAN-AMERICAN FAMILY COMMISSION**

African-American children and families;

- (b) assist DCFS in designing and ensuring implementation of culturally specific programs for African-American children and families;
  - (c) assist with needs assessment, recommend development activities and help develop community-based resources to prevent placement of African-American children into the child welfare system;
  - (d) assist DCFS in ensuring implementation of reform efforts relating to African-American children and families;
  - (e) serve as a resource with respect to legislative strategies;
  - (f) provide networking assistance with existing coalitions and interaction with other state agencies; and
  - (g) assist DCFS in formulating policy and legislation relating to African-American children, including strategies to reduce the number of African-American children in the child welfare system.
- The African-American Family Commission shall document its efforts and recommendations and shall report its findings to the Governor by December 31 each year.

**IV. EFFECTIVE DATE**

This Executive Order Number One (1998) shall be effective upon filing with the Secretary of State and shall be repealed by January 1, 2002.

Issued by the Governor January 14, 1998.

Filed by the Secretary of State January 14, 1998.

Rules acted upon during the quarter of January 1 through March 31, 1998 (Issues 1-13) are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-40. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jantale@ccgate.sos.state.il.us (Internet address).

**PROPOSED**

89-121-3  
2-651-2  
89-140-1  
89-679-4  
50-2012-4  
50-5100-4  
92-445-5  
92-1010-4  
11-1318-2  
11-1770-3  
14-180-2  
14-500-2  
14-510-4  
20-1570-1  
20-1570-1  
23-50-2  
23-150R-5  
23-151-5  
23-151-5  
32-331-3  
32-610R-3  
35-183R-1  
35-190R-2  
35-190R-2  
35-195R-2  
35-218-2  
38-390R-1  
50-4415-5  
56-2665-5  
59-50-1  
62-240-4,5  
68-1220-4  
74-730-2  
74-750-2  
74-750-2  
77-205-5  
77-600-3  
77-845-5  
77-870-5  
83-416-4  
83-506-4  
83-650-1  
86-100-1  
86-130-4  
86-495-1  
86-516-1  
86-750-2  
86-3000-1  
89-101-1  
89-113-4,5  
89-120-1,2

**ADOPTED**

89-121-3  
89-140-1  
89-679-4  
50-2012-4  
50-5100-4  
92-445-5  
92-1010-4  
11-1318-2  
11-1770-3  
14-180-2  
14-500-2  
14-510-4  
20-1570-1  
20-1570-1  
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23-151-5  
23-151-5  
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35-190R-2  
35-195R-2  
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86-100-1  
86-130-4  
86-495-1  
86-516-1  
86-750-2  
86-3000-1  
89-101-1  
89-113-4,5  
89-120-1,2

**PEREMPTORY**

86-3000-1  
89-120-2  
89-121-3  
89-679-4  
80-310-2

**EMERGENCY**

8-755-4  
11-1770-3  
20-1570-1  
23-151-5  
23-650-2  
32-422-2  
38-110-2  
38-140-2  
38-160-2  
56-2665-5  
62-240-1  
68-1220-4  
71-40-5  
77-870-5  
83-416-4  
83-506-4  
86-516-1





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